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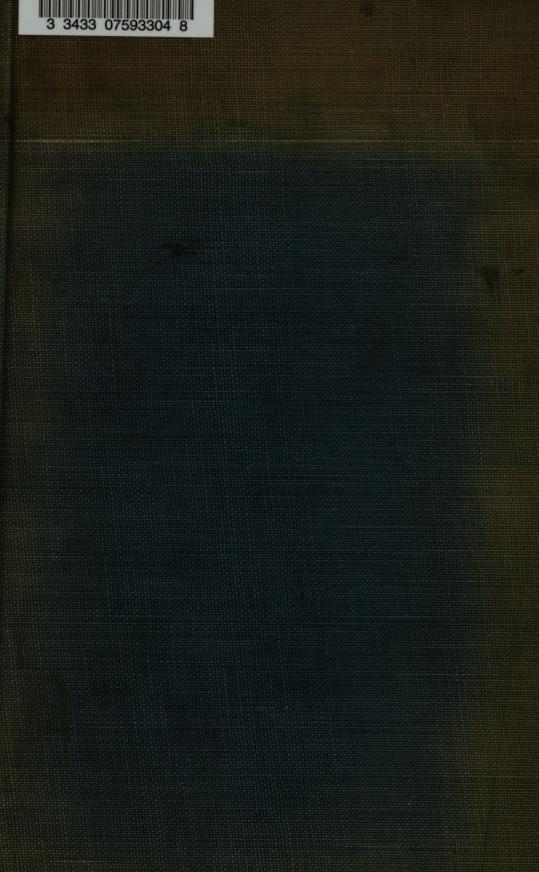
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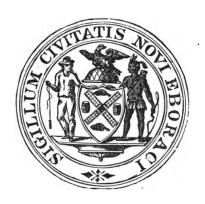


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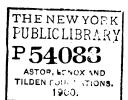
ELECTION LAW.



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POLICE DEPARTMENT

OF THE CITY OF NEW YORK.

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ELECTION LAWS.

THE ELECTION LAWS

REGULATING THE CONDUCT OF ELECTIONS

IN THE

CITY AND COUNTY OF NEW YORK.

1893.

- I. Times, Places, Notices and Officers.
- II. Qualifications and Registry of Voters.
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ARTICLE I.

Times, Places, Notices, and Officers.

Section 1. Date and Notice of General Election.

Hereafter all officers to be elected by the people, in the city and county of New York, shall be chosen at the general election held on the Tuesday succeeding the first Monday of November in each year, except in case where special or other elections may be authorized by law. 'The clerk of the board of aldermen shall, on the first Monday of October in each year, give notice by publication in not exceeding fifteen newspapers of large circulation, published in said city, specifying all the municipal officers (includ-

ing ward and district officers) to be chosen at the general election in November following—comprising all the city officers voted for by the electors of the city at large—as well as all officers elected by wards or districts in said city; and it shall not be necessary for the secretary of state to include in the general election notice to the sheriff of the county of New York any city or ward officers of the city of New York, nor shall any other notice of the election of such city and ward officers be required, except the notice published by the clerk of the board of aldermen, hereinbefore specified. (1882, ch. 410, § 1839.)

§ 2. Election Day a Legal Holiday.

The days upon which the general or local election shall hereafter be held in the city and county of New York shall, for all purposes whatever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks, and promissory notes, be treated and considered as is the first day of the week, commonly called Sunday. (1882, ch. 410, § 1840.)

§ 3. Registry on Saturday Half-holidays.

No Saturday shall be deemed a holiday, nor shall any Saturday afternoon be deemed a half-holiday so as to affect any meeting or proceeding of the board of inspectors for registry. (1892, ch. 680, § 41.)

§ 4. Hours of Opening and Closing Polls.

At all elections hereafter held in the city and county of New York, the polls shall be opened at six o'clock in the morning and close at four o'clock in the afternoon. (1882, ch. 410, § 1843.)

§ 5. Filling Vacancies in Elective Offices at General and Special Elections.

A vacancy occurring before October fifteenth in any year, in an office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election, or unless a special election therefor shall have been ordered to be held on or after such fifteenth day of October and before such general election.

Upon the failure to elect to any office, except governor or lieutenant-governor, at a general or special election at which the office is authorized to be filled; or upon the death or disqualification of a person elected to office at a general or special election before the commencement of his official term; or upon the occurrence of a vacancy in any elective office, which cannot be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor shall make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than twenty nor more than forty days from the date of the proclamation.

A special election shall not be held to fill a vacancy in the office of a representative in congress, unless such vacancy occur on or before the first day of July of the last year of the term of office, or unless occurring thereafter and a special session of congress be called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occur before the first day of April of the last year of the term of office; nor to fill a vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occur in either such office of senator or member of assembly, after such first day of April, and a special session of the legislature be called to meet between such first day of April and the next general election, or be called after October fourteenth of such year.

If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election. (1892, ch. 680, § 4.)

§ 6. Notice of Submission of Proposed Constitutional Amendment or other Proposition.

If it is provided by law that a constitutional amendment or other proposition or question shall be submitted to a popular vote at a general election, the secretary of state shall include in his notice to the county clerk, of the general election, a copy of such amendment, proposition or question, with the forms of the ballots to be voted thereon; and if more than one such amendment, proposition or question is to be voted upon at such election, the amendments and ballots shall be separately and consecutively numbered.

If such amendment, proposition or question is to be submitted at a special election, the secretary of state shall, at least twenty days before the election, make and transmit to each county clerk a like notice. Each county clerk shall, forthwith upon the receipt of either such notice, file and record it in his office. (1892, ch. 680, § 6.)

§ 7. Sheriff or County Clerk to Notify.

The sheriff or clerk of the county of New York, who shall receive a notice of an election, shall, without delay, deliver a copy of such notice to the board of aldermen, and each alderman of said city. He shall also cause a copy of such notice to be published once in each week until the election therein specified, in such newspapers in said county, not exceeding fifteen in number, having the largest circulation in the city and county. (1882, ch. 410, § 1931.)

§ 8. Elections to Conform to State Law.

At every election hereafter held in the city and county of New York, the election and canvass of the votes cast thereat shall be in all respects conducted in conformity to the provisions of the general election laws of this state, except as in this chapter otherwise provided. (1882, ch. 410, § 1844.)

V § 9. Registers, Arrangement of.

It shall also be the duty of the board of police to cause to be prepared, books for the registration of names and facts required by this chapter. Said books to be known by the general name of registers, and to be so arranged as to admit of the entering, under the name of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number, under such other definite description of the location of the dwelling-place as shall enable it to be readily ascertained, found, and located, of the names of all male persons resident in each dwelling in each of said districts who shall apply for registration. Such register shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this chapter, and shall be of such size as to contain not less than seven hundred names, and so prepared as that they may be used at each election in the city and county of New York, until such time as in this chapter provided for the succeeding general registration. * * * ch. 410, § 1846.)

§ 10. Arrangement and Alteration of Election Districts.

It shall not be lawful for the said board to alter or change either the number or boundaries of any election district, save in such years as by law the said city and county is redistricted by assembly districts, and in such years as the usual and customary enumeration of citizens in the city and county of New York is had and taken, when as early as the first day of September in any such year a general redistricting of the city shall be made by assembly districts, upon the basis of the registration of voters for that year last preceding the time of such redistricting, in which members of congress shall have been chosen. Such redistricting shall be made in such manner that each election district shall contain as near as practicable two hundred and fifty voters on the basis of such registration. On or before the fifteenth day of August in each and every year, said board of police may divide such election districts, and such only as by the registration of

voters of the preceding year shall be found to have had a registration of more than four hundred voters. But in any such division of any such district, one portion of the district shall retain the original numerical designation, and the other portion shall take the number following the highest numbered district in the assembly district of which it forms a part. No election district shall be in part within two congressional districts. board of police may also, on or before the fifteenth day of August in each and every year, consolidate into one election district any two or more adjoining election districts in any assembly district one of which election districts by the registration of voters of two preceding years shall be found to have had a registration of less than two hundred and fifty voters. Where in any assembly district any two or more adjoining election districts may be divided or consolidated as herein provided, the election districts contained in the said assembly district shall be renumbered accordingly in numerical sequence. (1847, Am. by ch. 169, L. 1890.)

§ 11. Inspectors, Poll and Ballot Clerks.

All inspectors of election, poll clerks and ballot clerks in the city and county of New York shall hereafter be appointed by the board of police, who shall also have power to make all necessary removals and transfers and fill all vacancies which may, from any cause, arise. It shall be the duty of the said board of police annually in the months of August and September in each succeeding year, for each election district in said city and county to appoint three inspectors of election, two poll clerks and two Two of such inspectors of election, one of such ballot clerks. poll clerks and one of such ballot clerks shall belong to and represent the political party which at the last preceding general election for state officers cast the greatest number of votes in the city of New York, and the third of such inspectors, one of such poll clerks and one of such ballot clerks shall belong to and represent the political party which, at such election, cast the next greatest number of votes for said officers in said city. On or before August fifteenth in any year the chairman of the executive committee of the general committee of each of said several parties may make and file with the said board of police a list of

persons qualified to be such inspectors, poll clerks and ballot clerks, and thereupon appointments shall be made as hereinbefore provided from the persons named in such list or lists; and if any of the persons so named shall not be duly qualified the chairman of the committee by whom they were named may, within ten days after notice to him of the persons so qualified, submit the names of other persons duly qualified, and if the names of qualified persons shall not be submitted as above provided, the board of police shall select and appoint qualified persons belonging to the political party entitled to name such officers. of said political parties is divided in said city into two or more factions, and lists are filed in behalf of more than one of such factions, appointments shall be made for the party so divided from the lists filed in behalf of the faction which at the last preceding general election shall have cast the largest number of votes. All persons so appointed inspectors of election, poll clerks (or ballot clerks, shall be citizens of the United States and of the state of New York, of good character and able to read, write and speak the English language understandingly, qualified voters in the assembly district within which they are appointed to act, and not candidates for any office to be voted for by the electors of the election district for which they shall be appointed; but no person shall be required to be a voter or resident in the election district for which he shall be appointed an inspector, poll clerk or ballot clerk. The person so appointed shall be notified, examined as to their qualifications, and if approved shall each take and subscribe before the chief of the bureau of elections, or the chief clerk thereof, within twenty days from the date of notice of appointment, the following oath of office:

"I, , residing at number , in the city of New York, do solemnly swear (or affirm) that I will support the constitution of the United States and of the state of New York; and I will faithfully discharge the duties of the office of inspector of elections (poll clerk or ballot clerk) for the election district of the assembly district of the city of New York, according to the best of my ability; and that I am a citizen of the United States and of the state of New York, a qualified voter in the assembly district, and not a candidate for any office to be voted for by the electors of the election district for which I am appointed an inspector (poll clerk or ballot clerk)."

Whoever shall be appointed and sworn into office as an inspector of election, poll clerk or ballot clerk shall receive a certificate of appointment from the board of police, said certificate to be in such form as shall be prescribed by the said board and to specify the assembly and election districts in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The inspectors of election, poll clerk and ballot clerks appointed under the provisions of this chapter, shall hold office for one year, unless sooner removed for want of the requisite qualifications, or for cause, in either of which cases such removal, unless made while such officer is actually on duty, on a day of registration, revision of registration, or election, and for improper conduct, as an election officer, shal only be made after notice in writing to the officer sought to be removed, which notice shall set forth clearly and distinctly the Provided that any inspector of election, reasons for his removal. poll clerk or ballot clerk who shall at any time be appointed to fill a vacancy, which fact shall be stated in a certificate of appointment, shall hold office only during the unexpired term of his predecessor; and that no inspector of election, poll clerk or ballot clerk shall be transferred from one election district to another after he has entered upon the performance of his duties. (1893, ch. 274, § 1850.)

§ 12. Vacancies.

Whenever there exists a vacancy in the office of inspector of election, poll clerk or balfot clerk, the person appointed to fill such vacancy shall belong to and represent the same political party as the officer whom he succeeds. (1893, ch. 274, § 1853.)

√ § 13. Pay of Election Officers.

Inspectors of election, poll clerks and ballot clerks appointed in pursuance of the provisions of this chapter shall be entitled to receive six dollars per day for each day's service at any registration or revision of any registration, and twelve dollars per day for each day's service at any election, which compensation shall be paid on the certificate of the chief of the bureau of elec-

tions as to the period of service; but no payment shall be made to any person as an inspector of election, poll clerk or ballot clerk who shall not have taken, subscribed and filed the oath or affirmation required herein, and who shall not, during the period of his service have fully complied with all the requirements of law in anywise, relating to his duties, and the acting of any such person, in either of said capacities, without having taken, subscribed and filed the said oath or affirmation, shall be deemed to be and punished as a misdemeanor. Inspectors of election, poll clerks and ballot clerks during the time they shall hold such office shall be exempt from the performance of military and jury duty. (1893, ch. 274, § 1854.)

§ 14. Term of Service of Election Officers.

✓ Each and every person selected and notified by the board of police as its choice for the office of inspector of election, poll clerk or ballot clerk, shall, on the receipt of notice thereof, appear within ten days thereafter before the chief of the bureau of elections, for the purpose of examination, and if found qualified, shall, unless excused by said board by reason of ill health, or other good and sufficient cause, be bound to serve as such officer at every election for the term of one year from the date of his appointment, and in case of neglect or refusal to comply with the above requirements, or to serve or act, shall be liable to a penalty of one hundred dollars, recoverable by the said board by civil action, in any court of record, in the name of the treasurer of the board, and for the use and benefit of the police fund; and a failure on the part of any such person to present himself for examination, or to comply with any of the requirements of this chapter preliminary to receiving his certificate of appointment within the time prescribed, or to attend on the day of any registration or revision of registration, or the day of any election during said term, unless prevented by sickness or other sufficient cause, the burden of proof which shall be upon the delinquent, shall be deemed a refusal within the meaning of this section. (1893, ch. 274, § 1855.)

§ 15. Inspectors to Preserve Order.

The inspectors of election in each election district in the city and county of New York, while discharging any of the duties imposed upon them by this chapter, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration, revision of registration, or election, during the time of any registration, revision of registration, election, or canvass, estimate, or return of votes; to keep the access to such place open and unobstructed; (to prevent and suppress riots, tumults, violence, disorder, and all other improper practices, tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration, or voting, or the canvass, estimate, or return of votes, and to protect the voters, challengers, and persons designated to watch the canvass of any ballots, from intimidation or violence, and the registers, poll-books, boxes and ballots from violence and fraud; and to appoint or deputize, if necessary, one or more electors to communicate their orders and directions, and to assist in the enforcement thereof. (1882, ch. 410, § 1856.)

§ 16. Ballot Boxes.

There shall be but one ballot box at each polling-place for receiving all ballots cast for candidates for office, except for commissioners of excise in towns. If proposed constitutional amendments, or other propositions or questions, may lawfully be voted upon thereat, there shall be one ballot box at each polling-place for the reception of ballots upon each such amendment or proposition or question, which shall be labeled and numbered to correspond with such amendments, propositions or questions, respect-There shall be at each polling-place, as many other boxes as may be required by law to receive unvoted ballots. ballot or other box shall be provided with a sufficient lock and key, and with an opening in the lid large enough and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into the box. Each such box shall be large enough to properly receive and hold all ballots which may lawfully be deposited therein at any election. (1892, ch. 680, § 13.)

\checkmark \S 17. Voting Booths and Guard Rails.

There shall be in each polling-place during each election, a sufficient number of voting booths, not less than one for every fifty voters in the election district. Each such booth shall be at least three feet square, shall have four sides inclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outwards and shall extend to within two feet of the floor. Each such booth shall contain a shelf which shall be one foot wide extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences, including shelves, pens, ink, blotting paper, pencils and mucilage as will enable the voters to conveniently prepare their ballots for voting. Each booth shall be kept clearly lighted while the polls are open, by artificial lights if necessary.

A guard rail shall be so constructed and placed at each pollingplace that only such persons as are inside such rail can approach within six feet of the ballot boxes, and of the booths. The arrangement of the polling-place shall be such that the booths can only be reached by passing within the guard rail, and that the booths, ballot boxes, election officers, and every part of the polling-places, except the inside of the booths, shall be in plain view of the election officers and of persons just outside the guard rail. (1892, ch. 680, § 14.)

∫ § 18. Designation of Polling-places.

Hereafter the board of police of the city of New York shall designate and appoint the place of registry and polling-place in each of the election districts in the city and county of New York, and shall hire all such places, and cause the same to be fitted up, warmed, lighted, and cleansed, and the work of registration shall be carried on at the places so designated for such purposes. \(\) But in each election district such place shall be in the most public, orderly, and convenient portions of the district, and no building or part of building shall be designated or used as a place of registry, revision of registration, or polling-place, in which, or in any part of which, spirituous or intoxicating liquor is sold, or has been sold within sixty days next preceding the time of using the same Mand no place shall be designated or used for any such pur-

pose without the same shall be well lighted with gas—unless there shall be no place in the district obtainable which is so lighted. (1882, ch. 410, § 1873.)

ARTICLE II.

QUALIFICATION AND REGISTRY OF VOTERS.

$igvee \S$ 19. General Registration.

Hereafter there shall, in the city and county of New York, be a general registration of the qualified voters resident in each election district in said city and county at the times hereinbelow provided, and then only: On Tuesday four weeks, the Wednesday of the third week, and the Friday and Saturday of the second week preceding the day of the November election, in each year. For each and every election held in the city and county of New York, other than such as above designated in this section, there shall be a revision of the general registration had, as provided in this chapter, which revision shall be made on the Friday and Saturday of the second week preceding the day of each and every such election. (1882, ch. 410, § 1857.)

§ 20. Proceedings of Board of Registry.

The inspectors of election appointed pursuant to the provisions of this chapter shall, at the times in this chapter designated for a general registration, meet in their respective election districts, at the places which, as provided in this chapter, shall be designated therein for such meetings, and at such times in each election district the said inspectors of election shall openly and publicly do and perform the following acts, viz.:

- 1. They shall organize, as a board, by selecting one of their number to act as chairman; but in case of failure to so organize within fifteen minutes after the time fixed for the meeting, the chairman shall be selected by lot.
- 2. They shall receive the application for registration of such male residents of their several election districts as then are, or on the day of election next following the day of making such applications, would be, entitled to vote therein, and who shall personally present themselves, and such only.

- 3. They shall remain in session on each of said days, between the hours of eight o'clock in the morning and nine o'clock in the evening, and shall administer, to all persons who personally apply to register, the following oath or affirmation, viz.:
- "You do solemn'y swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this state."
- 4. They shall then examine each applicant as to his qualifications as an elector, and, unless otherwise provided herein, shall immediately, and in the presence of the applicant, enter in the registers to be made and furnished as provided in this chapter, the statements and acts below set forth, and in the manner following, viz.: First—Under the column "residence," the name and number of the street, avenue, or other location of the dwelling, if there be a number, but if there shall not be a number, such clear and definite description of the place of said dwelling, as shall enable it to be readily ascertained, fixed, and determined; and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there be more than one family residing in said house, either the floor on which he resides, every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second, or such other floor as it may be, or the number or location of the room or rooms occupied by the applicant and whether front or rear. Second-Under the column "address," the name of the applicant, giving the surname and Christian name in full; but the names of all persons residing in the same dwelling to follow each other, and to be under the street and housenumber, or other description, as provided of the dwelling. Third-Under the column of "sworn," the word "yes" or "no," as the fact shall be. Fourth-Under the column of "nativity." the state, country, kingdom, empire or dominion, as the fact shall be stated by the applicant. Fifth—Under the column of "color," the words "white" or "colored," as the fact shall be. Sixth-Under the subdivisions of the general column of "term of residence," the periods by months or years stated by the

applicant, in response to the inquiries made for the purpose of ascertaining his qualification and filling such column. Seventh-Under the column of "naturalized," the words "yes" or "no," or "native," as the fact shall be stated. Under the column of "date of papers," the date of naturalization, if naturalized, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this chapter. Ninth—Under the column of "court," the designation of the court in which, if naturalized, such naturalization was done, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this chapter. Tenth-Under the column of "qualified voter," the words "yes" or "no," as the fact shall appear and be determined by at least three of the board of inspectors of election,* it being, however, required of them to designate as qualified voter any male person who, being otherwise qualified, shall not at the time of making the application be of age, provided the time when such applicant shall be of the age of twenty-one shall be subsequent to the date of his making application, and not later than the day of the election immediately following such time of applying. -Under the column of "date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in the election district. (1882, ch. 410, § 1858.)

$^{f V}_{\S}$ 21. Disqualification of Voters.

No person convicted of bribery, or of an infamous crime punishable by imprisonment in a state prison, shall vote at an election or town meeting, unless sentenced upon such conviction to a reformatory, or unless he shall have been pardoned before or after the expiration of his term of imprisonment, and restored by the pardon to all the rights of a citizen. (1892, ch. 680, § 30.)

§ 22. Revision of General Registration.

On the days and at the times in this chapter designated for any revision of any general registration, the duly qualified in-

^{*} See foot-note, p. 45 (decision of Judge Ingraham).

spectors of elections shall meet in their respective election districts, at the places which, in accordance with the requirements of this chapter, shall have been provided for such meetings, and shall openly and publicly do and perform the following acts, namely: Each and every of the duties and requirements set forth in subdivisions one and three of section eighteen hundred and fiftyeight of this act. They shall in each election district receive the applications for registration of such male residents of the election district whose names are not then borne upon the registers thereof, as qualified voters therein, as shall personally present themselves, and who, on the day of election next ensuing, would be entitled to vote therein, and as to all applications made to them shall proceed therewith in the manner provided in subdivision four of section eighteen hundred and fifty-eight of this act, provided that if, upon the examination, as in this chapter provided for, of any applicant for registration, it shall appear that he has, since the last day of any general registration of voters or revision thereof. in the said city and county of New York, moved into or become a resident of said election district, the said inspectors shall inquire from where such applicant removed or came from; and if it shall appear that such removal was from a place within the said city and county, they shall inquire if, in the election district in which he resided at the time of the last preceding general registration (naming such time), or in which he has resided at the time subsequent thereto, he has been registered, or has applied for registration; and if he shall swear that he has not, then the said inspectors shall proceed with said application as with that of any other person who may apply to them; but if he shall swear that he has been so registered, the said inspectors shall, before further proceeding, require him to present to them a certificate of removal, as provided for in this chapter, so that his name shall not be upon the registers of two election districts; and upon the presentation to any board of inspectors of any certificate of removal, the said board shall treat the person presenting the same in the manner provided in subdivision four of section eighteen hundred and fifty-eight of this act, for applicants for registration. (1882, ch. 410, § 1859.)

§ 23. Proceedings in Case of Removal.

Any person who shall at any time, as provided in this chapter, have personally applied to the inspectors of election in any election district of the city and county of New York for registration, and shall have in the registers thereof been entered as a qualified voter, and who shall at any time prior to the close of any revision of registration have removed from the dwelling-place under which he shall, as a resident, be borne upon the registers, may, upon any day provided in this chapter for meetings of the inspectors of election, other than the day of any election, personally appear before the said inspectors in the election district in which he resided at the time his name was entered upon the said registers, during the hours in this chapter provided for their sessions for such revision, and publicly take and subscribe, before one of said inspectors, the following oath or affirmation, which shall be known as an oath of removal:

"I. residing at number in the election district of the assembly district of the city and county of New York, do solemnly swear (or affirm) that I am registers of said election district, from duly entered in the said residence as a qualified voter, and that I have removed my place of residence to number in the election district assembly district of said city and county, and I do hereby request that the proper entries and records be made as the same are provided for by law, and that a certificate of removal be furnished me at this time."

Upon such oath or affirmation being made and subscribed as herein provided, it shall be the duty of the said inspectors to carefully preserve the same, and file within twenty-four hours after the close of any revision of registration, in the bureau of elections. And upon any such person so taking and subscribing said oath of removal, the said inspectors of election, if satisfied of the identity of the person making the same with the person he claims to be, as the description of said last-mentioned person shall appear on the registers, and if not satisfied therewith, shall at once, by a police officer present, or by any one whom said board shall especially authorize, make an examination and inquiry at the place of residence of said person, as the same shall be entered upon the registers as to the fact of the removal of such person from said

dwelling-place, when if his removal therefrom shall be found by the report of such person to be a fact, shall immediately proceed to strike from said registers the name of such person by entering in each of the registers, opposite to and against the name of any such person, and in the column headed "why disqualified," the word "removed;" in the column headed "date of erasing name," the month, day and year of such striking from said registers such name; and in the column headed "remarks," the words "transferred to," together with the number of the election and assembly districts to which such person shall, in his oath of removal, state he has removed and the initial letters of the name of the inspector who shall in each of said registers make such entries; and shall, through the name of any such person, as the same shall appear on said registers, and there only, draw a line as indicative that such name is erased from the registers of that election district, and the name of any such person so found stricken and erased from said registers, shall, as to his name and residence at the place in said registers entered under the column of "residence," be thereafter considered by the bureau of elections, all inspectors of election, and all other election officers to be stricken from the registers of that election district, and shall be treated as If the dwelling-place to which any if never entered thereon. such person shall have removed, be within the boundaries of the same election district as was his former residence, as stated in the registers of said election district, the said inspectors shall in said registers, under the number or other description of the dwellingplace to which such person has removed, enter his name, and in the several columns opposite and against the same, such words and figures, as prior to the striking from or erasing of the name of such person in the manner in this section above provided, were in the column similarly headed and opposite to and against the name of each person as upon said registers, it appeared under the dwelling-place from which he shall have declared he has removed; and if the dwelling-place to which any such person shall have removed, shall be within the boundaries of any other election district than was the residence, under which he was previously entered on said registers, the said inspectors of election shall fill up, sign, and deliver to such person a certificate, which shall be known as a certificate of removal, and shall be in the words and figures following, to wit:

"CERTIFICATE OF REMOVAL.

"Polling place of the election district assembly district city of New York, 18 To the board inspectors of election election district,

assembly district.

"This is to certify that the name of

heretofore residing at in this election district, has been by us, the inspectors of election in this district, stricken from the registers of this district and the proper erasures made upon the oath of removal, and at the request of said above-mentioned person; and that upon the registers of this election district were entered as to him the following statement:

Name Residence Sworn Nativity Color Term of residence Assembly district County State Naturalized Date of papers Court Qualified voters Date of application

(1882, ch. 410, § 1860, Am.)

§ 24. Manner of Keeping Registers.

The inspectors of election in each election district shall, on each day of any general registration, before adjourning, enter in each of two books prepared for that purpose, one of which shall be known as a public copy of the registers, and the other of which shall be known as the election bureau copy of the registers, all such names and residences, and all such data, information and statements, as during the day have been entered by the inspectors of election in the registers provided in this chapter. whole of said books, including those kept one by each of the said inspectors, and the two copies above named, shall, on each of said days, after the completion of such copies of the registers, be carefully compared throughout, so that each of the registers and copies thereof shall, in every respect, agree with each other,

and contain the name and residence of each person who shall have applied for registration, and the facts respecting him, as the same shall have been stated by him and entered in the registers, as provided in this chapter. The said inspectors shall, on the last day of any general registration, certify each of said copies in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of any such general registration shall file the election bureau copy of the registers with the chief of the bureau of elections at his office, where the same shall be carefully preserved. And the said inspectors shall, on the last day of any revision of registration, before adjourning, make a copy of the registers as they shall then be made up for the election next ensuing, which copy shall be marked and known as a public copy, and shall be certified as a copy of the original registers as then existing for the election next ensuing; and they shall also make, fill and certify, in blanks to be prepared and furnished for that purpose, the name and all such other particulars as shall be entered against or opposite to the name of any person which, having been once entered upon their registers, shall have been, on the days of any such revision of registration, for any reason stricken therefrom, as provided in this chapter, together with the name and all such other particulars as shall be entered against or opposite to the name of any person who shall, on any such day of revision, have been added by them to the said registers; and said blanks so filled up and certified, shall, within forty-eight hours after the close of any revision of registration, be left by one of said inspectors at the bureau of elections; and it shall be the duty of the chief of the bureau of elections to immediately enter, or cause to be entered, in the election bureau copy of the registers of each election district, on file in his office. all the proper and necessary entries requisite to make said copy conform to said registers, and be always a copy thereof. ch. 410, § 1861, Am.)

§ 25. Registers Ruled at close of Daily Registration.

The inspectors of election in each election district in said city and county of New York on each day of any general registration, or revision of registration, and before adjourning, shall, on each of the registers, and on each copy or copies thereof, as in this chapter it is provided shall on each of said days be made or kept, draw in ink immediately below the last name entered underneath each dwelling-place and below the last written words and figures entered opposite to or against such last name in each column, save that of residence, a heavy line as indicative of the fact that the entering of names on the said registers for the day mentioned in the column headed "date of application," and opposite to or against the name of the last person entered under any dwelling-place there ceased. (1882, ch. 410, § 1862.)

§ 26. Registers to be Certified.

The inspectors of election in each election district in the city and county of New York shall, in a place to be provided therefor on each of the registers required in this chapter, fill up, date, and each sign with his name and place of residence the appropriate and proper certificate, which shall be either printed or written, and for a general registration shall be in the words and figures following, to wit:

"We, the undersigned inspectors of election, in the election district of the assembly district of the city and county of New York, do jointly and severally certify that at the general registration of voters held in said election district, on the days of and the days of the in year there was registered by us as qualified voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered qualified voters was and is

"Dated New York,

•	
And for a revision of any	general registration said certificate

And for a revision of any general registration, said certificate shall be in the words and figures following, to wit:

"We, the undersigned inspectors of election, in the election district of the assembly district of the city and county of New York, do jointly and severally certify that at the revision of the last general registration of voters held in said election district, on the days of in the year of

the names which in the registers are so number was and is registered qualified voters of said electic ister appear on said days to have been prescribed by law, and that such numb	qualified voters in said election district , which is the number of
"Dated New York,	, 18
(1882, ch. 410, § 1863.)	

§ 27. Registers to be Retained by Inspectors.

The inspectors of election in each election district in the city and county of New York shall, after making and signing either of the aforesaid certificates, retain and carefully preserve all the said registers provided for in this chapter—each inspector retaining the book which he made, or of which he had the custody and care on the days of any registration, or revision of registration -for their use on the day of the next ensuing election. public copy of the registers they shall, at the close of the proceedings on each day of any general registration, and upon the determination of their proceedings on the last day of any revision of registration, leave supended in the place where such registration or revision of registration was conducted, where it shall be and remain until the next meeting of said inspectors, whether such meeting be for the purpose of registration, revision of registration or election, to the end that the same may be inspected and copied by any elector in said city and county. But on the day of any election the said inspectors shall take possession of said public copy, and the chairman shall closely ratain the same throughout the said day, returning it to the chief of the bureau of elections, as provided in this chapter, for the return of the registry kept by him, and with seid register; and said copy shall be by the said chief of the bureau of elections retained and preserved and filed in said bureau. (1882, ch. 410, § 1864.)

§ 28. List of Voters Registered.

It shall be the duty of the inspectors of election in each election district, on each day of general registration or revision of registration, and before adjourning, to copy from the registers the names and residences of all persons registered upon that day, so that the names of those persons having the same residence shall appear together in the form and manner following, namely:

List of voters registered in the district of the county of New York, on the eighteen hundred and

election assembly district, of the city and day of

Residence.	Name.
141 East 32d street	Stevenson, Benj. K. Denison, Wm. M.

And they shall append thereto a certificate signed by each of them in the words and figures following, namely:

we, the undersigned inspectors of	election, in the
election district of the	assembly district in the
city and county of New York, do join	tly and severally certify that the list
hereunto annexed is a true and correct c	
the registers, of all persons who have be	en registered by us as qualified voters
in said election district, this	day
of	in the year
	• • • • • • • • • • • • • • • • • • • •

And it shall be the duty of the chairman of the board of inspectors of election, in each election district, to deliver such list, copy, and certificate prepared in the manner herein prescribed, immediately upon the completion thereof, to the captain of the police precinct in which the election district is situated; and it shall be the duty of such captain to deliver the same, without delay, and within twelve hours after the close of each day of general registration or revision of registration, to the supervisor of the City Record. It shall be the duty of the chief of the bureau of elections to prepare and furnish to the inspectors of elections in each election district the necessary blanks and forms as prescribed in this section. Any inspector of election who shall neglect or refuse to comply with the requirements of this section, shall be liable to a penalty of one hundred dollars, recoverable by the board of police by civil action, in any court of record, in the name of the treasurer of the board, and for the use and benefit of the police fund. (1882, ch. 410, § 1865.)

§ 29. Record of Deaths.

It shall be the duty of the chief of the bureau of elections, to so arrange the names of all from time to time. * * male persons twenty-one years of age and upwards, who, by his records, appeared to have died subsequently to the passage of this act, as that alphabetical lists by assembly districts, with residences, ages, and a full statement of all particulars may, at any time, be made therefrom, and from the names and facts so arranged, to have prepared and made, or printed, and to cause to be delivered to each inspector of elections in each election district in the city and county of New York, on or before the organization of the board of inspectors in each district on the first day of any revision of registration, an alphabetical record of the male persons, twenty-one years of age and upward, who in the assembly district in which the election district in which the inspector is to serve, since the third day prior to the day of the last preceding election, and within at least five days prior to any such first day of revision of registration, have died. Such record shall be known and designated as a record of deaths; and it shall be the duty of each of the inspectors of election in each election district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody, to the end that it may be preserved; and on the first day of any meeting of the inspectors of election in any election district, held for the purpose of a revision of registration, it shall be the duty of each inspector, as soon as the organization of the board of inspectors is completed.

to examine the register in his custody, and as to the name of every person upon said registers, who by said record of deaths shall, by a coincidence in respect to said name and facts, appeared to have deceased, and opposite to and against every such name, to enter, in the column headed "why disqualified," the word "dead," in the column headed "date of erasing name," the month, day, and year of such erasing, and in the column headed "remarks," the words "stricken from registers," adding against each such entry made in the column of "remarks," the initial letters of the name of the inspector making such entry, and through the name of every person so stricken from the registers, and then only, shall draw a line as indicative that such name is erased from the register of that election district. (1882, ch. 410, § 1868.)

§ 30. Additional Record of Deaths.

It shall further be the duty of the chief of the bureau of elections to prepare by assembly districts, in the manner set forth in the preceding section, an additional record of such deaths as shall have occurred subsequent to the date of the record of deaths provided for in the preceding section, and within at least three days prior to the day of any such local election held in the city of New Said record shall be known and designated as an additional record of deaths, and a copy thereof shall, on or before the opening of the polls in each election district on the day of any such local election, be furnished to each inspector, who shall securely attach the same to the inside of his register, to the end that it may be preserved, and he have the same during the day of election with him at the polling-place, and on the opening of the poll shall proceed to make the same examination, entries, letters, and lines as to the name of any registered person found upon said additional record of deaths, as is provided for in the preceding section in the case of the name of a registered person found on the (1882, ch. 410, § 1869.) record of deaths.

§ 31. Records of Deaths, filing of.

The record of deaths, and the additional record of deaths, provided for in this chapter and furnished to each inspector, shall be

left by him with the chief of the bureau of elections at the time and in the manner provided for the return of the register used by him on the day of any local election, and with such register. (1882, ch. 410, § 1870.)

🗽 🖇 32. Qualified Voters may Challenge.

Any person who is a qualified voter in the city and county of New York may, upon any day of registration, or revision of registration, or of election, challenge and contest the right of any person to be registered in any election district, or to vote at any poll in the said city or county, or may require the name of any registered person to be marked for challenge, and on any such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to correctness of or additions to their registers. (1882, ch. 410, § 1872.)

§ 33. Challenges to Applicants for Registry.

Any person who appears personally at any meeting of the board of inspectors for registry for any election and applies to have his name placed on the list of voters, may be challenged by any qualified elector of such district. If such applicant be so challenged, or if any member of the board shall have reason to suspect that such applicant is not entitled to registry, the board shall administer to such applicant the oath which is required by law to be administered to a challenged person offering to vote at a general election, and may thereupon examine him as to his qualifications as an elector, and may require him to state, under oath, his age, residence by street and number, if it have a street number, and otherwise to describe the locality thereof, and if he is not a householder, to state the name of the householder with whom he resides, and in like manner to describe the residence of If the applicant shall make such statement. such householder. and shall make oath to the circumstances which qualify him to vote at such election in such district, his name shall be added to such list of voters. If he shall refuse to make either such oath or statement, his name shall not be placed on such list. ch. 680, § 35.)

§ 34. Registry of Challenges.

If, at a meeting of a board of inspectors for registry, any elector of the district shall, upon oath, declare that he has reason to believe that any person on such list of voters will not be qualified to vote at such election, the board of inspectors shall place the words, "to be challenged," opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualifications shall be administered to him, and if he shall refuse to take such oath, he shall not be permitted to vote. (1892, ch. 680, § 36.)

\S 35. Addition and Cancellation on Registry Lists.

The board shall, at any such meeting, erase from such list of voters the name of any person thereon who is proven to the satisfaction of the board to be not qualified to vote in such district at such election, or who cannot be so qualified at the time of such If the board shall, at any meeting, upon sufficient evidence being presented to it, refuse to strike from such list of voters the name of any person not so qualified to vote, or shall neglect or refuse to place upon such list the name of any person who is entitled to have his name placed thereon, application may be made to any justice of the supreme court of the judicial district in which such election district is, or to any justice of the supreme court residing in a county adjoining such judicial district, or to a county judge of the county, or to any judge of a court of record of a city in which such election district is, and such justice or judge may, upon sufficient evidence, and upon such notice, of not less than twenty-four hours, to the board of inspectors and such other persons interested, of such application, as the justice or judge may require, order such name to be stricken from or added to such list or register of voters, as the case may be, and such list shall be corrected accordingly. ch. 680, § 37.)

§ 36. Removal from the Election District.

No person who is registered in one election district shall register or cause himself to be registered in another district while any prior registration remains unerased, or in any other manner than is in this chapter provided; but if in the event of any revision of any general registration in any portion of the city and county of New York, any person shall present himself before any board of registration for the purpose of being registered as a voter, and it shall appear that the name of such person is borne upon the registry of any election district other than that in which he shall at the time of such revision make application for registration, and that since the day of the preceding election or registration he has removed from the district in which he was then registered to the district in which he shall at the time of any such revision, apply for registration, and it shall also appear that there is no meeting of the board of inspectors in the district in which his name shall be borne upon the registry for the purpose of revision, then and in such event the oath of removal may be made before any member of the board of inspectors in any district to which he shall have removed, and the person so appearing at any such revision of registration shall be entitled to all the rights and privileges to which he would be entitled were the registration a general registration, and the said person making an original application for (1882, ch. 410, § 1875.) registration.

§ 37. Powers of Majority of Inspectors.

For all powers, authority, and duties in this chapter prescribed for or conferred upon, and all action required of inspectors of election, or of a board of said inspectors of elections save where such authority or action is specifically allowed to each of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained. (1882, ch. 410, § 1876.)

§ 38. Election District Officers.

The several offices of inspectors of election and poll clerks, in this chapter named and created, are and shall be in all courts and proceedings deemed and held respectively to be election district officers, and it shall be the duty of the said inspectors of elections and poll clerks, respectively, or of a majority of the said inspectors, to be in constant attendance during the

hours and times fixed for the discharge of their several duties. (1882, ch. 410, § 1877.)

39. Election Records to be Open to the Public.

All data and statistics, and all registers, poll-books, and records of every kind and nature which, under this chapter, or under any laws of this state, or which in compliance with any direction, resolution, or order of the board of police of the city of New York, are or may be required to be made, ascertained, or kept by, or returned to or filed with either the chief of the bureau of elections or the register of records, in the board of health, shall at all times, during office hours, be open to the inspection, examination, comparison, and copying of any citizen or elector, free of any charge whatsoever. (1882, ch. 410, § 1878.) \vee

$\S~40$. Election Officers May Canvass their Districts.

Any inspector of election, poll clerk, or other officer of elections, or any challenger appointed in compliance with the provisions of this chapter, or any person designated as provided in this chapter to be present at the canvass of any ballots, shall at any time between the Tuesday five weeks preceding the day of any general or local election held in the city and county of New York, and ten days after the first official promulgation by the board of county canvassers of the canvass, declaration, and certificate of the result of any such election, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act, upon any day of registration, or revision of registration, or election, and to make full inquiry respecting any and every male resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualifications as a voter; but the power and authority by this section conferred upon any inspector of election, poll clerk, or other officer of election, or any challenger or person designated to watch the canvass of ballots, shall wholly cease upon his resignation or removal from the office or position to which he was appointed, or for which he was designated. (1882, ch. 410, § 1879.)

§ 41. Special Elections.

If at any time a special election shall be held in any portion of the city and county of New York, the same revision of registration shall be had and made for any such portion of said city and county, and at the same intervals of time and times preceding the day of any such special election, and in the same manner as if the said election was a local election in, for, and throughout the said city and county, and each and every of the provisions of this chapter not inconsistent with the terms of this section, shall apply with as full force and effect to any such special election or revision of registration therefor as if the same was for a local election in, for, and throughout the said city and county. (1882, ch. 410, § 1880.)

ARTICLE III.

Conventions and Nominations.

§ 42. Party Nominations.

Nominations of candidates for public office, made by a primary or convention held therefor or by a duly authorized committee appointed by such primary or convention, shall be known as party nominations.

A certificate of such nominations shall be made, containing the name of the office for which each person is nominated, the name and residence of each such person, if in a city, the street, number of residence, and place of business, if any; and shall designate in not more than five words the party which such primary, convention or committee represents, and shall be signed by the chairman and secretary of the primary, convention or committee, who shall add to their names their respective places of residence, and their affidavit that they were such officers. (1892, ch. 680, § 56.)

§ 43. Independent Nominations.

Three thousand or more voters of the state may nominate candidates for offices to be filled by voters of the entire state; five hundred or more voters of a county or city or of a portion of

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the state greater than a county, except an assembly district composed of more than one county, may nominate candidates for offices to be filled by the voters of such county, city or portion of the state; two hundred and fifty or more voters of an assembly or school commissioner district, may nominate candidates for offices to be filled by the voters of such district; twenty-five or more voters of a ward, town or village may nominate candidates for offices to be filled by the voters of such town, ward or village.

If the nomination is for an office to be filled by the voters of the city and county of New York, the county of Kings, or the city of Brooklyn, not less than six hundred voters shall make such nomination. If the nomination is for an office to be filled wholly or in part by the voters of only a portion of either the city and county of New York, the county of Kings, or the city of Brooklyn, not less than two hundred and fifty voters shall make such nomination.

The nominations shall be made by a certificate signed and acknowledged by such voters, each of whom shall add to his signature his place of residence, and make oath that he is such voter and has truly stated his residence. The certificate shall contain the names of the offices to be filled, the name and residence of each candidate nominated, and if in a city, the street number of such residence and of his place of business if any; and shall designate, in not more than five words, the political or other name which the signers shall select, but the name of any organized political party shall not be used without using in connection therewith some other word or words to distinguish such name from such party name, and no word or designation shall be used indicating that the name is that of any regular party or political organization.

The certificate may designate upon the face thereof one or more persons, as authorized to nominate candidates for the offices named therein, for which no candidates are nominated in such certificate. The persons so designated may by certificates signed and duly acknowledged by them, specifying the political or other name used in the certificate in which such vacancies exist, nominate candidates to fill such vacancies. The signatures to the certificate of nomination need not all be appended to one paper.

No person shall sign more than one certificate, and no certificate shall contain the names of more candidates for any office than there are persons to be elected to such office. Such nominations shall be known as independent nominations. (1892, ch. 680, § 57.)

§ 44. Place of Filing Certificates of Nominations.

Certificates of nomination of candidates for offices to be filled by the voters of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except that * * * each certificate of nomination of a candidate for senator for the fifth senatorial district shall be filed in the office of the board of police commissioners of the city of New York, and a copy thereof, certified by such board, shall be filed in the office of the county clerk of Richmond county.

Certificates of nomination of candidates for offices to be filled by only the voters or a portion of the voters of the city of New York, * * * shall be filed with the board of police commissioners of the city of New York * * *. (1892, ch. 680, § 58.)

§ 45. When to file Certificates of Nomination.

The different certificates of nominations shall be filed within the following periods before the election for which the nominations are made, to wit: those required to be filed with the secretary of state, if party nominations, at least twenty-five and not more than forty days; if independent nominations, at least twenty and not more than forty days; those required to be filed with a county clerk or the board of police commissioners of the city of New York, * * if party nominations, at least twenty and not more than thirty days; if independent nominations, at least fifteen and not more than thirty days * * . (1892, ch. 680, § 59.)

§ 46. Certification of Nominations.

The secretary of state shall, immediately upon the expiration of the time within which certificates of nominations may be filed with him, certify * * * to the board of police commissioners of the city of New York, * * * the name, residence and

place of business, if any, of each candidate nominated in any certificate so filed, for whom the voters of such county or city respectively may vote. (1892, ch. 680, § 60.)

§ 47. Publication of Nominations.

At least six days before an election to fill any public office,

* * * the board of police commissioners of the city of New
York * * * shall cause to be published in not less than
two nor more than four newspapers within such county or city
respectively, a list of all nominations of candidates for offices to
be filled at such election, certified to such * * * board by
the secretary of state, or filed in the office of such * * *
board. Such publication shall contain the name and residence,
and * * the street number of the residence, and place
of business, if any, and the party or other designation of each
candidate. (1892, ch. 680, § 61.)

§ 48. Declination of Nomination.

* * The name of a person nominated for any * * * office shall not be printed on the official ballots if he notifies the officer with whom the original certificate of his nomination is filed, in a writing signed by him and duly acknowledged, that he declines the nomination. If a party nomination, such notification shall be given at least twelve days, and if an independent nomination, at least ten days before the election. The officer to whom such notification is given shall forthwith inform, by mail or otherwise, one or more persons whose names are attached to the original certificates of nomination, that such nomination has been declined. (1892, ch. 680, § 64.)

§ 49. Objections to Certificates of Nomination.

A certificate of nomination which is in apparent conformity with the provisions of this article shall be valid, unless written objection thereto shall be filed in the office in which the certificate is filed within three days after the filing of the certificate. If such objection be filed, notice thereof shall be forthwith mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence, as given in the certificate.

The officer with whom the certificate is filed, shall, in the first instance, pass upon the validity of such objection, and his decision shall be final, unless an order shall be made in the matter by a court of competent jurisdiction, or by a justice of the supreme court at chambers, on or before the Wednesday preceding the election. Such order may be made summarily upon application of any party interested, and upon such notice of not less than twenty-four hours, as the court or judge may require. (1892, ch. 680, § 65.)

§ 50. Filling Vacancies in Nominations.

If a nomination is duly declined or a nominee dies before election day, or if any certificate of nomination is insufficient or inoperative, any vacancy thus occasioned, may be filled in the manner required for original nominations, or, if it be an independent nomination, in the manner required for filling vacancies in the original certi-If it be a party nomination and the primary or convention making it has delegated to a committee the power to fill vacancies, such committee may fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the new nominee, the office for which he is nominated, the name of the original nominee, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed and sworn to in the manner prescribed for the original certificate of nomination, and shall be filed in the office in which the original certificate is filed, at least two days before the election, if filed in the office of a town or village clerk, and at least eight days before the election if filed elsewhere, and upon being so filed shall have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the secretary of state he shall, in certifying the nomination to the city boards. insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee; or if he has already sent forward his certificate, he shall forthwith certify to the proper * * * board the name and description of the person so nominated to fill a vacancy, the office he is nominated for, together with the other details mentioned in the certificate of nomination so filed with the secretary of state, and the name of the person for whom such nominee is substituted. (1892, ch. 680, § 66.)

ARTICLE IV.

PREPARATION OF OFFICIAL BALLOTS, SAMPLE BALLOTS AND INSTRUCTION CARDS; DISTRIBUTION THEREOF TO POLLING-PLACES.

§ 51. When Official Ballots shall be Provided.

Official ballots shall be provided at public expense at each polling-place for every election at which public officers are to be elected directly by the people, * * *. (1892, ch. 680, § 80.)

§ 52. Form of Official Ballots for Candidates.

Each official ballot for candidates for public office shall be six inches wide; shall have a perforated line running across it, parallel with and one inch distant from the top thereof; and shall be of such length that below such perforated line there shall be one-fourth of an inch in the length of the ballot for the name of each office and the same space for the name of each condidate to be printed thereon. The space above the perforated line shall be known as the stub.

The stubs of such ballots of each kind, for each election district, shall be numbered consecutively, by printed numbers on the backs therof, and nothing else shall be printed on the backs of the stubs. On the face of each stub shall be printed in uniform type the words "official ballots for," and after the word "for" shall follow the designation of the polling-place for which the ballot is prepared.

On the back of each official ballot below the stub shall be printed in great primer Roman condensed capitals, the indorsement "official ballot for ," and after the word "for" shall follow the date of the election and a fac-simile of the signature of the officer, or clerk of the board providing the ballots, * * *.

Each official ballot shall be of such form, and so printed, that when the ballot is properly folded for voting, the whole of the

indorsement and the printed number on the back of the stub shall be visible, and so that the stub can be removed without unfolding the ballot, or exposing or removing any portion of the face thereof below the perforated line. All official ballots prepared by the same officer or board for the same election district and the same election, containing the names of the same offices, shall be of precisely the same quality and tint of paper, kind of type and quality and tint of plain black ink, and of uniform length. (1892, ch. 680, § 81.)

§ 53. Names of Offices and Candidates on Ballots.

There shall be as many different kinds of official ballots for candidates for public office at each polling-place, at which official ballots are required to be provided as there are different political parties or political or other names represented upon duly filed certificates of nomination of candidates to be voted for thereat. The names of all the offices to be filled thereat shall be printed below the perforated line, upon the face of each such ballot of each kind, in brevier lower case type within the spaces respectively allowed therefor. Under the name of each office thereon, the name of each candidate nominated therefor by or by virtue of the kind of certificates to which such kind of ballot corresponds, shall be printed in brevier capitals, within the spaces respectively allowed therefor. The names on each ballot shall be in a single column except that the names of candidates for presidential electors, and the names of inspectors of election, if ten or more, shall No ballot shall contain the names of more be in two columns. candidates for one office than may be voted for at such election by one voter.

If the full number of candidates for the offices specified on any one kind of ballots shall not have been nominated by or in pursuance of the certificates from which such kind of ballots is prepared, blank spaces shall be left on each ballot of such kind where the names of candidates would appear, except for such failure to nominate. The name of a person having a party nomination shall not be placed upon an official ballot of independent nomination, if such person shall have given notice at least fifteen days before the election for which the ballot is prepared, to the officer with whom his party certificate of nomination is filed, by a writing signed and acknowledged by him, that he does not wish his name placed upon any ballot of independent nomination, cr upon such particular ballot of independent nomination.

The names of offices to be filled and of candidates to be voted for by the voters of a particular district or municipality only, shall not be printed on any other ballots than those prepared for such district or municipality.

If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be designated on the ballot as a part of the name of the office.

If at a general election, in any congressional district, one congressman is to be elected for a full term, and another to fill a vacancy, the ballots containing the names of the two candidates therefor shall designate the congress for which each is nominated. (1892, ch. 680, § 82.)

§ 54. Form of Official Ballot for Constitutional Amendments or Other Propositions.

Each official ballot upon a proposed constitutional amendment, or other proposition or question, shall comply with the requirements for official ballots for candidates for public office, except that there shall be plainly and clearly printed on the face thereof, below the perforated line upon each of one kind of such official ballots the proper language for designating a vote for, and upon each of the other kind of such ballots the proper language for designating a vote against such amendment, proposition or question. Each such ballot shall be of the same length, and the only indorsement on the back shall appropriately indicate the proposed amendment or other proposition or question to which the ballot relates, but without any indication on the back of the ballot of whether it is for or against the amendment, proposition or question. (1892, ch. 680, § 83.)

§ 55. Sample Ballots and Instruction Cards.

Twelve sample ballots of each kind, shall also be provided for every polling-place for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from the official ballots and without numbers on the stubs, but shall not otherwise differ from the official ballots.

Twelve instruction cards, printed in English, and twelve printed in each of some other languages as the officer or officers charged with providing them shall deem necessary, shall be provided for each such polling-place, containing, in clear, large type, full instructions for the guidance of voters in obtaining ballots for voting, in preparing their ballots for deposit in the boxes, in returning their ballots to the ballot clerks, and in obtaining new ballots in place of those returned, and a copy of each of the sections of the Penal Code relating to crimes against the elective franchise. (1892, ch. 680, § 84.)

§ 56. Number of Ballots for each Polling-place.

The number of official ballots of each kind to be provided for each polling-place for each election to be held thereat, * * * shall be twice the number of the names of voters upon the register of voters in such district for such election at the close of the last meeting for such registry * * *. (1892, ch. 680, § 85.)

§ 57. Who shall provide Ballots and Instruction Cards.

- * * * The board of police commissioners of the city of New York * * * shall provide the requisite number of such ballots and instruction cards for each polling-place, in such city, * * * for each election to be held thereat * * *.
- * * Each board (charged with providing official ballots for any polling-place), shall have the official ballots and sample ballots provided and in the possession of such * * board * * thereof, and open to public inspection as follows: the official ballots four days before the election, and the sample ballots seven days before the election for which they are prepared * * * (1892, ch. 680, § 86.)

§ 58. Distribution of Ballots and Cards.

* * * The board of the city of New York required to provide the ballots for elections held therein, * * * shall

* * deliver to the inspectors or presiding officers of the election at each polling-place at which such meetings and elections are held, respectively, the official ballots, sample ballots and instruction cards required to be provided therefor, respectively, in * * sealed packages marked on the outside * * * thereof with the number and kind of ballots or instruction cards inclosed therein respectively, and the designation of the election district for which it is provided, and shall take and file receipts therefor * * in their respective offices. (1892, ch. 680, § 87.)

§ 59. Errors and Omissions in Ballots.

Upon affidavit, presented by any voter, that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the sample or official ballots, the supreme court, or a justice thereof, may make an order, requiring the county clerk, or other officer or board charged with the duty in respect to which such error or omission occurs, to correct such error, or show cause why such error should not be corrected. The county clerks or such other officers or boards, shall, upon their own motion, correct without delay, any patent error in the ballots which they may discover, or which shall be brought to their attention, and which can be corrected without interfering with the timely distribution of the ballots to the inspectors of election in the election districts. (1892, ch. 680, § 88.)

ARTICLE V.

THE CONDUCT OF ELECTIONS.

§ 60. Opening the Polls.

The inspectors of election, poll clerks and ballot clerks of each election district, shall meet at the time duly appointed for opening the polls of each election for which official ballots are required to be provided, at the polling-place therein, within the space inclosed by the guard-rail, for the purpose of conducting such election.

Within the meaning of this article, the territory in which the voters, entitled to vote at any such polling-place reside, shall be deemed an election district; the presiding officers of such election at such polling-place shall be deemed inspectors of election of such district, and any inspector or other officer duly designated to distribute official ballots to voters thereof shall be deemed a ballot clerk thereof.

The inspectors of election shall then and there have the ballotboxes required by law for the reception of ballots to be voted thereat; the box required for the reception of unvoted ballots; the sealed packages of official ballots, sample ballots and instruction cards required to be delivered to them for such election; and if it be an election at which registered voters only can vote, the register of such voters, and the certified copies thereof, required to be made and kept therefor.

Each such poll clerk shall then and there have the book required for keeping the poll list of such election.

The inspectors shall thereupon open the sealed packages of instruction cards, and cause them to be posted conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling-place, and at least three of each language in which they are printed in or about the polling-place; shall open the sealed packages of official ballots and sample ballots and place them in charge of the ballot clerks; and shall before any ballots are cast, unlock the ballot-boxes and the box for the reception of unvoted ballots, see that they are empty, allow the watchers present to examine them, and lock them up again while empty, in such manner that the watchers present and persons just outside the guad-rail can see that such boxes are empty when they are relocked.

The instruction cards, so posted, shall not be taken down, torn or defaced during such election.

The ballot clerks with the official and sample ballots, the inspectors with such boxes and registry lists, and the poll clerks with their poll-list books, shall be stationed as near each other as practicable within such inclosed space.

One of the inspectors shall then make proclamation that the polls of the election are opened, and of the time o'clock in the afternoon when the polls will be closed. (1892, ch. 680, § 100.)

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§ 61. Regulations within the Guard-rail.

From the time of such meeting for the purpose of conducting such election, until the announcement of the result of the canvass of the votes cast thereat and the signing of the certificate thereof by the inspectors, such boxes and all the official ballots shall be kept within the guard-rail.

No person shall be admitted within the guard-rail during such period, except such inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, persons duly admitted for the purpose of voting, and persons duly admitted to assist disabled voters, * * and in the city of New York persons lawfully designated by candidates to be present at the canvass of the votes.

After such boxes are so relocked, while empty at the opening of the polls, they shall not be unlocked or opened until the closing of the polls of such election, and, except as authorized by law, no ballots or other matter shall by placed in them after they are so relocked and before the announcement of the result of such canvass and the signing of such certificate.

No person shall deliver to any voter within such guard-rail a paster, paster ballot or any other ballot than such as the ballot clerks are lawfully authorized to deliver to a voter. (1892, ch. 680, § 101.)

√§ 62. Watchers, Challengers, Electioneering.

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Each political party duly filing certificates of nomination of candidates for offices to be filled at any such election, may, by writing signed by the committee or other similar representative of such organization or by the chairman thereof, and delivered to one of the inspectors of election, appoint not more than two watchers to attend each polling-place thereof. * * * Such watchers may be present at such polling-place, and within the guard-rail, from at least fifteen minutes before the unlocking and examination of any ballot-box at the opening of the polls of such election, until after the announcement of the result of the canvass of the votes cast thereat and the signing of the certificate thereof by the inspectors.

A reasonable number of challengers, at least one person of each such party, shall be permitted to remain just outside the guard-rail of each such polling-place, and where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat.

No person shall, while the polls are open at any polling-place, do any electioneering within such polling-place, or within one hundred and fifty feet therefrom in any public street or room, or in a public manner. (1892, ch. 680, § 102.)

§ 63. Voters Names must be on Two Registers.

The inspectors of election in each election district of the city and county of New York shall, on the day of any election therein, have with them at the polling-place in said district the registers provided for in this chapter. They shall each make use of one of said registers for guidance on said day, and no vote shall be received from any person whose name shall not be found by at least three of them to be upon at least three of the said registers as a qualified voter. The chairman of said inspectors in each election district shall, if present, and if absent, then one of the other inspectors shall, upon any person offering to vote, announce in a loud, clear, and distinct manner the name of such person, and no ballots shall be received by either of the inspectors, or deposited in any of the ballot-boxes until at least three* of the said inspectors shall, as hereinbefore provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter; when, if the vote of said person is received, at least three

^{*}Note.—(Opinion of Judge Ingraham of the Supreme Court, S. N. Y., delivered October, 1892): "The clearly expressed intent was that a majority of the inspectors should be required to assent to each act of the board, and that it was not the intention to require that all of the inspectors should be present when the board was to act as a board; when there were four inspectors, that at least three should be present, and three should determine the questions that the board as a board had to determine. * * * By the amendment to section 1850 provided for by chapter 400 of the Laws of 1892, p. 823, the provision of this chapter of the Consolidation Act was changed so as to provide for but three inspectors of election instead of four in each election district. Then two instead of three became a majority of the inspectors in each district. By section 1877 two were required to be present at the times fixed for the discharge of their several duties, and the assent of two was required before the board could act. I think it clear that the language used in sections 1858 and 1868 must give way to this obvious intent of the Legislature. The language used in those sections would be inapplicable to a board of three inspectors."

of the inspectors shall write in the appropriate column bearing the heading "voted," and opposite to the name and residence of such person the word "yes." It shall be the duty of each of the inspectors to note on the register in his possession, in a suitable and separate part thereof, the name and residence of each and every person, if any, whose vote shall be received in contravention of the provisions of this section, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-boxes, or either of them, any such vote; and it shall further be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they served, to leave said registers at the office of the chief of the bureau of elections, whose duty it shall be to file and preserve the same, as provided in this chapter. And in no election district in the said city and county shall any inspector, who has custody or charge of either of the registers in this chapter provided for, ever permit said register to leave his possession from the time of receiving custody of the same until he shall file the same, as provided in this chapter, save in the event of his resignation or removal, and the appointment as provided in this chapter of his successor, when he shall promptly surrender and turn over the same to him. (1882, ch. 410, § 1866.

§ 64. Delivery of Ballots to Voters.

While the polls of such election are open, the voters entitled to vote and who have not previously voted thereat, may enter within the guard-rail of the polling-place of such election, for the purpose of voting in such order that there shall not at any time be within such guard-rail more than twice as many voters as there are voting booths thereat, besides the persons lawfully within such guard-rail for other purposes than voting.

Upon entering within the guard-rail, for such purpose, the voter shall forthwith proceed to the ballot clerks and announce his name, and, if in a city, his residence by street and number, or

if it have no street number a brief description of the locality thereof, and if required by the inspectors thereat, shall state whether he is over or under twenty-one years of age. If such voter is entitled to vote thereat, and is not challenged, or if challenged and the challenge be deemed in his favor, the ballot clerks thereat shall deliver, unfolded, to such voter, a full set, one of each kind, of the official ballots so provided. The ballot clerks may instruct the voter how to fold his ballot, by folding the sample ballot in his presence, or otherwise than by folding an official ballot. Sample ballots may, in the discretion of the ballot clerks, be taken by voters into the voting booths, and left there during the election. (1892, ch. 680, § 103.)

§ 65. Preparation of Ballots for Voting.

The voter upon receiving such official ballots and instructions shall immediately enter one of the voting booths, if there be one vacant, or if none be vacant, as soon as one shall become vacant. Not more than one person shall occupy one voting booth at the same time, except that a voter who shall declare under oath to the inspectors of election that, by reason of total blindness, loss of both hands, such total inability in both hands that he cannot use either hand for ordinary purposes, or physical disability by reason of crippled condition or disease to enter the booth alone, he is unable to receive or prepare his ballots without assistance, may select a person for that purpose, who shall be allowed to pass within the guard-rail and receive such ballots and to enter the voting booth with such voter and there assist him in preparing his ballot. The person so selected shall not in any manner request, or seek to persuade or induce such voter to vote any particular ballot or for any particular candidate, and shall not directly or indirectly reveal to any other person the name of any candidate voted for by such voter, or anything occurring within such voting booth, and he shall not remain within the guard-rail longer than is necessary to assist such disabled voter. No voter shall otherwise ask or receive the assistance of any person within the polling-place in the preparation of his ballot, or divulge to any one within the pollingplace the name of any candidate for whom he intends to vote, or

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for whom he has voted. No person shall occupy a voting booth more than ten minutes while all the other booths are occupied.

Within such voting booths and not elsewhere, the name of any person for whom the voter desires to vote for any office named on the official ballot, may be written on the official ballot which the voter proposes to vote; or a paster containing one or more such names or offices may be pasted thereon; or a paster ballot containing the names of all the candidates for whom the voter may vote for all such offices, may be pasted thereon. Every such paster or paster ballot shall be not more than four inches wide, shall be printed on white paper, in plain black ink, and in type uniform with that used on the official ballots. The paper on which such pasters or paster ballots are printed shall not be thicker or heavier than the paper on which the official ballots are printed. All such matter written or pasted on an official ballot shall be written or pasted below the perforated line, on the face of the ballot, being the side and division of the ballot on which the names of offices and candidates are printed, and so that no such pasted matter shall project beyond the sides of the official ballot upon which it is pasted, and so that no part of such paster or paster ballot shall be visible when the ballot is properly folded for voting.

Any name so written or pasted upon a ballot voted, shall be deemed the choice of the voter, notwithstanding the name of another candidate for the same office may be upon the original ballot without being erased, covered or concealed by the written or pasted matter. But if the names of two or more candidates for the same office are printed on such ballot and a less number of names of candidates for such office be written or pasted thereon, each such name printed on the official ballot shall, if not erased, covered or concealed, be deemed the choice of the voter.

After the voter has prepared his ballot for voting, and before leaving the booth, he shall fold it and each of the other official ballots in his possession first crosswise by bringing the bottom of each ballot up to the perforated line, and then in the middle lengthwise, in such manner that, when folded, the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, and so that the stub can be removed without removing any other part of

the ballot, and without exposing any part of the face of the ballot below the stub. No voter shall place any other mark upon, or tear or deface any of the ballots so folded by him, and prepared for presentation to the inspectors. If one of the official ballots delivered to a voter shall be spoiled before so prepared, the voter may upon returning to the ballot clerks all the official ballots delivered to him, obtain from him another full set, one of each kind, of the official ballots; but not more than four sets in all, of official ballots shall be delivered to any voter. A voter may, after receiving one set of official ballots and before voting, return all such ballots to the ballot clerks and then pass outside the guardrail; and afterwards, while the polls are open, enter once again within the guard-rail for the purpose of voting, and receive and prepare his ballots and vote, the same as if he had not once before been within the guard-rail and received his ballots therefor. But not more than two sets in all of official ballots, shall, on such account, be delivered to any voter, and no voter shall pass within the guard-rail more than twice, at the same election, for the purpose of voting. (1892, ch. 680, § 104.)

§ 66. Manner of Voting.

When the ballot a voter proposes to vote shall be prepared, and it and all the others of the same set delivered to him shall be properly folded, he shall leave the voting pooth with the ballots so folded, and keeping all his ballots so folded, shall proceed at once to the inspector in charge of the ballot-box, and first hand to such inspector the ballot he intends to vote. Such inspector shall announce the name of the voter and the printed number on the stubs of the official ballots in the voter's possession. voter be entitled then and there to vote, and he shall not be challenged, or if challenged and the challenge be determined in his favor, and if his ballots are properly folded and have no mark or tear visible on the outside thereof, except the printed number on the stubs and the printed indorsement on the back, and if such printed number is the same as that entered on the poll-list as the number on the stubs of the set of official ballots last delivered to him by the ballot clerk, such inspector shall receive such ballot which the voter intends to vote, and after removing the stub

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therefrom, in plain view of the voter and without removing any other part of the ballot, and without unfolding the ballot or in any way exposing any part of the face thereof below the stub, shall deposit it in the proper ballot-box for the reception of voted ballots. The voter shall thereupon, and after the ballot voted by him is deposited in the ballot-box, hand to the inspector in charge of the box for unvoted ballots, all the other official ballots of the same set delivered to him which he does not intend to vote, properly folded, and such inspectors after removing the stubs therefrom, in like manner, shall deposit such ballots which the voter does not intend to vote, still so folded in the box for unvoted ballots. Such voter shall then forthwith pass outside the guardrail, unless he be one of the persons authorized to remain within the guard-rail for other purposes than voting.

If the voter presents ballots improperly folded to such inspector, he may be further instructed as to the manner of properly folding; his ballot, otherwise than by folding or unfolding the official ballots, and may return again, not exceeding four times in all, to the voting booth to properly prepare his ballots. No official ballots however folded shall be unfolded outside the voting booth.

No person to whom any official ballots shall be delivered, shall leave the space within the guard-rail until he shall deliver back all such ballots either to the inspectors, or to the ballot clerks. (1892, ch. 680, § 105.)

√§ 67. General Duties of Ballot Clerks.

The ballot clerks shall deliver official ballots to the voters in such order that the numerical order of the numbers printed on the stubs of each set of ballots so delivered, shall be the same as the order of the successive deliveries thereof to the voters, the set of ballots numbered one on the stubs being first delivered and so on.

They shall not deliver to any voter a portion only of one full set of any kind of official ballots provided for such polling-place, and all the ballots so delivered together, at one time, to any one voter, shall have the same printed number on their stubs. They shall, upon the delivery of official ballots to each voter, announce the voter's name, the number printed on the stub of each ballot so delivered, and, if in a city, the voter's residence by street and number, or if it have no street number a brief description of the locality thereof.

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Upon the return of a set of ballots to them by any voter, they shall announce the name of the voter returning them, and the printed number on the stubs of the ballots so returned. They shall cancel and carefully preserve all such ballots returned to them by voters, and shall not again deliver any such returned ballots to a voter.

They shall carefully preserve all detached stubs delivered to them by the inspectors.

They shall immediately upon the closing of the polls of each election, prepare and sign a written statement showing the number of full sets of official ballots delivered by them to voters, the number of such sets returned to them, the number of such sets not delivered by them to the voters, and the number of sets of detached stubs returned to them by the inspectors; and shall inclose all such ballots so returned to them, all such ballots not delivered to voters, and all such detached stubs, in a sealed package, and deliver it, together with such written statement * * to the chairman of the board of inspectors. (1892, ch. 680, § 106.)

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§ 68. General Duties of Poll Clerks.

Lach poll clerk at each polling-place for which official ballots are required to be provided, shall have a book for keeping the poll-list thereof, containing columns headed respectively, numbers on ballots, names of voters, and if in a city, residence of voters. If there shall be more than one ballot-box lawfully required for the reception of votes cast thereat, there shall be an additional column in each poll-list book for each ballot-box, headed with the numbers or other designations, respectively, of such ballot-boxes.

VUpon each delivery of a set of official ballots by the ballot clerks to a voter, each poll clerk shall enter upon his poll-list, in

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the appropriate columns, the printed number upon the stubs of the ballots so delivered, the name of the voter, in the alphabetical order of the first letter of his surname, and if in a city, the residence of the voter by street and number, or if it have no street number, a brief description of the locality thereof. If the set of ballots delivered to any voter shall be returned by him to the ballot clerks, the ballot number thereof, so entered on the polllist, shall be canceled, by drawing a mark through it, leaving the number still legible, and upon the delivery of each additional set of ballots by the ballot clerks to the same voter, the poll clerks shall add opposite the name of such voter on the poll-list, in the proper column, the printed number on the stubs of such additional set of ballots.

Each poll clerk shall make a memorandum on the poll-list kept by him, of every instance of a voter receiving the assistance of another person in the voting booth, in the preparation of his ballot, stating the name of such voter, the substance briefly of the reasons for requiring such assistance as sworn to by the voter, and the name of the person rendering such assistance.

Each poll clerk shall designate upon his poll-list, every person entered upon his list, who shall have been challenged and taken either of the oaths upon such challenge, by some appropriate mark opposite the name of each such person.

As each voter offers his ballots to the inspectors, each poll clerk shall report to the inspector whether the number entered on the poll-list kept by him, as the number on the stubs of the ballots last delivered to such voter, is the same as the number on the stubs of the ballots 80 offered. voter each poll clerk shall check the name on his poll-list, and if there be such more than one ballot-box for the reception of votes cast, shall enter a check in each column headed to correspond to each ballot-box into which a ballot of such voter is deposited. Upon the close of the poles of the election, the poll clerks shall deliver such polllists to the chairman of the board of inspectors thereof. (1892, ch. 680, § 107.)

§ 69. General Duties of Inspectors.

One of the inspectors of election at each polling-place, while the polls of an election thereat are open, shall be designated to receive the ballots from the voters voting. If it be an election for which voters are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks to a voter, ascertain whether such voter is duly registered, and so announce to the ballot clerks, who shall not deliver any ballots to such voter until such inspectors announce that such voter is reg-Upon each delivery of ballots to a voter, such inspectors shall enter opposite the name of such voter upon the register and in each of the certified copies thereof, the number printed on the stabs of the ballots of each set so delivered, canceling any previous number so entered, without rendering it illegible. As each person, so registered, votes, they shall check his name upon such register, and upon each of the two certified copies thereof.

The inspectors shall, forthwith upon detaching the stubs from any set of official ballots, deliver such detached stubs to the ballot clerks. (1892, ch. 680, § 108.)

§ 70. When Unofficial Ballots may be Voted.

If, for any cause, the official ballots shall not be provided as required by law at any polling-place, upon the opening of the polls of an election thereat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballots, may be used. Whenever a candidate for any office, whose name is printed on the official ballot, shall, before the election day be or become ineligible or withdraw, voters may use unofficial ballots in voting to fill the office for which such deceased, ineligible or withdrawn candidate was nominated, and the name of the deceased, ineligible or withdrawn candidate shall be considererd as having been erased from the official ballot; but such unofficial ballot can contain only the name of the person voted for in lieu of the deceased, ineligible or withdrawn candidate, under the name of the office for which such person is a candidate. (1892, ch. 680, § 109.)

§ 71., Challenge and Preliminary Oath.

A person may be challenged either when he applies to the ballot clerks for official ballots, or when he offers to an inspector the ballot he intends to vote, or previously by notice to that effect to an inspector, by any elector. VThe name of the person challenging shall not be disclosed by an election officer unless required by a court or a judicial officer. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector. If any person offering to vote at any election shall be challenged in relation to his right to vote thereat, one of the inspectors shall tender to him the following preliminary oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." The inspectors or one of them shall then question the person challenged in relation to his name; his place of residence before he came into that election district; his then place of residence; his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district; and all other matters which may tend to test his qualifications as a resident of the election district, citizenship and right to vote at such election at such polling-place. If any person shall refuse to take such preliminary oath when so tendered, or to answer fully any such question which shall be put to him, his vote shall be rejected. After receiving the answer of the person so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient. (1892, ch. 680, § 110.)

§ 72. General Oath on Challenge.

VIf the person so offering to vote, shall persist in his claim to vote, and the challenge shall not be withdrawn, one of the inspectors shall then administer to him the following oath:

"You do swear (or affirm) that you are twenty-one years of age, that you are been a citizen of the United States for ten days, and an inhabitant of this

state for one year next preceding this election, and for the last four months a resident of this county, and for thirty days a resident of this election district, and that you have not voted at this election."

If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state the following additional oath shall be administered by one of the inspectors:

"You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election."

If the person so offering shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors:

"You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen."

If any person shall refuse to take either oath so tendered, his vote shall be rejected. (1892, ch. 680, § 111.)

§ 73. Minutes respecting Persons Challenged.

The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered, by one of them the name of every person who shall be challenged or take either of such oaths, specifying in each case whether the preliminary oath or the general oath, or both were taken. At the close of the election, at each polling-place, the inspectors thereat shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election. (1892, ch. 680, § 112.)

§ 74. Allowance of Time for Employes to Vote.

Any person entitled to vote at a general election held within this state, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours, while the polls of such election are open. If such voter shall notify his employer, before the day of such election, of such intended absence, and if thereupon two consecutive hours for such absence shall be during such designated by the employer, and such absence shall be during such designated hours, or if the employer, upon the day of such notice, makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such voter, and no other penalty shall be imposed upon him by his employer, by reason of such absence. (1892, ch. 680, § 113.)

§ 75. Registered Persons not Voting, to be Marked.

In each election district in the city and county of New York it shall be the duty of the inspectors of election to immediately, after the close of the polls on the day of any election, before proceeding with the canvass of the ballots in any box, and while the poll clerks are canvassing their books, to write in ink opposite to and against the name of each person entered in their registers, who is not shown by said registers to have voted, and in the column headed "voted," the word "no," so that the said column may be wholly filled up, and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day; and when they have made comparisons and ascertained such fact, the chairman of the board of inspectors, or, in his absence, the inspector acting as such, shall announce the same in a loud voice. (1882, ch. 410, § 1882.)

$\S~76$. Preparation for the Canvass.

As soon as the poll of an election shall have been finally closed, the inspectors of election, in their several election districts, shall immediately, and at the place of the poll, proceed to canvass the

Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed, and the several statements hereinafter required to be made by the inspectors shall have been made out and signed by them. No vote shall be received, nor shall any ballot be counted or canvassed, nor shall any statement of votes, announcement, or proclamation, in this chapter required, be made at any time when the main entrance to the room in which the election is held shall be closed in such a manner as to prevent ingress and egress, but the said inspectors may station one or more officers at such entrance to exclude disorderly persons; nor shall any such duties be performed unless at least six persons, if so many claim that privilege, are allowed to be present, and so near that they can see whether the duties of the said inspectors are faithfully performed. Each candidate for any office to be filled at the election may, by a certificate in writing, signed by him, designate one person for each election district in which he is a candidate, to be present at the canvass of the ballots containing the names of the persons desig-The inspectors of election and the police nated for that office. or other officers attending at such election district specified in said certificate, shall make a passage for such person to the said inspectors, and the said inspectors shall permit him to be present at the canvass of all the ballots in the box containing the ballots for the office specified in the said certificate, and so near to them that he can see that such canvass, and the statement required of the votes found in each box, are correctly made. And no inspector of elections, or board of inspectors, or police or other officer, shall allow such person to be molested or removed during the canvass of such ballots, or until such statement has been made, completed and signed, unless he shall be personally guilty of fraudulent or disorderly conduct. (1882, ch. 410, § 1885.)

§ 77. Counting the Ballots.

As soon as the polls of an election are closed, * * * the inspectors of election thereat, shall publicly canvass and estimate the votes and not adjourn or postpone the canvass until it shall be fully completed. They shall commence by comparing the two poll-lists with each other, correcting any mistake therein

and by counting the ballots found in the ballot-boxes without unfolding them except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the poll-lists to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall be replaced, without being unfolded, in the box from which they were taken and one of the inspectors or canvassers shall without seeing the same, publicly draw out as many ballots as shall be equal to such excess, and, without unfolding, deposit them in the box for unvoted ballots. If two or more ballots shall be found in a ballot-box so folded together as to present the appearance of a single ballot they shall be destroyed if the whole number of ballots in such ballot-box exceeds the whole number of ballots shown by the poll-lists to have been deposited therein, and not otherwise. If there lawfully be more than one ballot-box for the reception of ballots voted at any one polling-place, no ballot, properly indorsed, found in the wrong ballot-box shall be rejected but shall be counted in the same manner as if found in the proper ballot-box, if such ballot shall not, together with the ballots found in the proper ballot-box, make a total of more ballots than are shown by the poll-lists to have been deposited in the proper box. ballot that has not the official indorsement shall be counted, except such as are voted in accordance with the provisions of this chapter relating to unofficial ballots. If requested by any watcher the inspectors or canvassers shall during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher, fully opened and in such condition that he may fully and carefully read and examine the same; but such inspector or canvasser shall not allow any such ballot to be taken from When an inspector of election, or other election officer or duly authorized watcher shall, during a canvass of the votes or immediately after the completion thereof, declare his belief that any particular ballot, paster, or paster ballot affixed thereto has been written upon or marked in any way for the purpose of identification, the inspectors or canvassers shall write on the back of such ballot the words, "Objected to because marked for identification," or words in substance to that effect, and sign their names thereto, and attach each such ballot to their written statement of the result of the canvass. Each such ballot shall be counted by them the same as if not so objected to. (1892, ch. 680, § 114.)

§ 78. Canvass and Estimate of Votes.

The board shall then proceed to canvass and estimate the votes in the following manner: The said inspectors shall open the ballots, and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. One of the said inspectors shall then take the kind of ballots which appears to be the greatest in number and count them by tens, carefully examining each name on each of said ballots. Such inspector shall then pass the ten ballots to the inspector sitting next to him, who shall count them in the same manner, and he shall then pass them to the third inspector, who shall also count them in the same manner. The third inspector shall then call the names of the persons named in the ballots and the offices for which they are designated, and the poll clerks shall tally the votes for each of such persons. The remaining inspectors shall watch the proceedings of the other inspectors and the poll clerks, and at their option may perform the same duties in respect to the canvass as are prescribed for the third inspector, or, in case of the absence of the poll clerk, may perform his duties. counting of each kind of ballot shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it, in a loud voice, to the inspectors. The kind of ballots which appear to be next greatest in number, and afterwards each of the other kinds of ballots in succession shall then be can vassed in the same manner. The ballots containing names partly from one kind of ballots and partly from another, being those usually called split tickets, and those from which the name of a person proper to be voted for on such ballots has been omitted or erased, usually called scratched tickets, shall then be canvassed separately by one of the inspectors sitting between two of the other inspectors, which inspector shall call each name to the poll clerks, and the office for which it is

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designated, the other inspectors looking at the ballot at the same time, and the poll clerks making note of the same. When all the ballots found in the box have been canvassed in this manner, the poll clerks shall compare their tallies together and ascertain the total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce in a loud voice, to the inspectors, the number of votes received by each candidate, on each of the kinds of ballots containing his name, the number received by him on the split and scratch tickets, and the total number of votes received by him. the ballots in any box have been opened or canvassed, the whole number of them shall be found to exceed the whole number of votes required by the corresponding columns of the poll-lists, the said inspectors shall return all the ballots into the box, and shall thoroughly mingle the same, and one of the inspectors to be designated by the board, shall, without seeing the same and with his back to the box, publicly draw out of such box so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed; but if the ballots have been canvassed, the votes for the persons named therein shall first be deducted from the votes entered for such person on the tallies. (1882, ch. 410, § 1891, Am.)

§ 79. Completing the Canvass.

The canvass of the ballots found in any box shall be completed by ascertaining how many ballots of the same kind corresponding in respect to the names of the persons thereon and the offices for which they are designated, have been received; and the result being found the said inspectors shall securely paste or attach to each statement of such canvass hereinafter directed to be made one ballot of each kind found to have been given for the officers to be chosen at such election; and they shall state in words at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be pasted or attached, the whole number of all the ballots that were received which correspond with the one so pasted or attached, so that one of each kind of the ballots received at such election for the officers then to be chosen shall be pasted or attached to such

statement of such canvass. If only one ballot of any kind shall be found in the box, it shall be pasted or attached to the statement to be delivered to the clerk of the board of aldermen, and if only two ballots of any kind are found in the box, one shall be pasted or attached to the statement to be delivered to the clerk of the board of aldermen and the other to the statement to be delivered to the county clerk. They shall also paste or attach all the ballots rejected by them as being defective in whole or in part, to the statement to be delivered to the clerk of the board of aldermen. (1882, ch. 410, § 1892.)

§ 80. Announcement of Votes for an Office.

When the canvass of the ballots found in any box shall have been completed, and the poll clerks shall have announced to the inspector the total number of votes received by each candidate, the chairman of the board of inspectors of election, or, in his absence, the inspector acting as such, shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots found in the box, and the office for which they are designated, and such proclamation shall be prima facia evidence of the result of the canvass of such ballots. (1882, ch. 410, § 1893.)

§ 81. Delivery of Statement to Patrolman.

The inspectors shall immediately after such proclamation deliver to a patrolman on duty at the polling-places, a statement subscribed with their names, which shall be forthwith conveyed by the said patrolman to the station-house of the precinct where the polling-place is located; and the captain or sergeant in charge shall immediately transmit by telegraph or otherwise, the result of such statement to the superintendent of police. Such statement shall contain the total number of votes in such ballotbox, and the number of votes found therein for each and every candidate. The captain or sergeant in command shall immediately deliver said statement to the chief of the bureau of elections, whose duty it shall be to file and preserve the same. (1882, ch. 410, § 1894.)

§ 82. Proclamation of Result.

Upon the completion of such canvass and of the certified statement of the result thereof, the chairman of the inspectors of election shall make public oral proclamation of the whole number of votes cast at such election at such polling-place for all candidates for each office; upon each proposed constitutional amendment or other question or proposition, if any, voted upon at such election; the whole number of votes given for each person, with the name of office for which he was named on the ballot; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted. (1892, ch. 680, § 116.)

§ 83. Statements of Canvass and Tallies.

The said inspectors shall make triplicate statements of the result of the canvass and estimate of the votes. $\sqrt{\text{Each of the state}}$ ments shall contain a caption, stating the day on which, and the number of the election district, and assembly district, and the city and county in relation to which such statement shall be made. and the time of opening and closing the polls of such election district. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written and partly printed, in words at length; and at the end thereof a certificate that such statement is correct in all respects; which certificate and each sheet of paper forming part of the statement shall be subscribed by the said inspectors and poll clerks. If any inspector or poll clerk shall decline to sign any return, he shall state his reasons therefor in writing, and a copy thereof signed by him shall be inclosed with each return. Each of the statements shall be inclosed in an envelope, which shall then be securely sealed with wax, and each of the inspectors and each of the poll clerks shall write his name across every fold at which the envelope, if unfastened, could be opened, and across the seals thereon. One of the envelopes shall be directed on the outside to the clerk of the board of aldermen, another to the county clerk, and the third to the chief of the bureau of elections.

Each set of tallies shall also be inclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the chief of the bureau of elections, and the other to the mayor. On the outside of every envelope shall be indorsed whether it contains the statement or the tallies, and for what election and assembly district. (1882, ch. 410, § 1895.)

§ 84. Delivery of Statements and Tallies.

Within twenty-four hours after the several statements shall have been subscribed, one of the said inspectors shall deliver to the clerk of the board of aldermen the statement directed to him; another inspector shall deliver to the county clerk the statement directed to him; and a third inspector shall deliver to the chief of the bureau of elections the statement directed to him. One of the poll clerks shall deliver to the mayor the tallies directed to him, and the other poll clerk shall deliver to the chief of the bureau of elections the tallies directed to him. (1882, ch. 410, § 1896.)

§ 85. Poll-lists to be Certified and Filed.

The poll-lists kept at such election shall be certified, in writing, by both poll clerks, to be a true and correct list of the vote cast at the said election, in their respective election districts, and within twenty-four hours of the close of the canvass shall be filed * * * the one in the office of the county clerk, the other in the office of the chief of the bureau of elections, and shall be there preserved. (1882, ch. 410, § 1897.)

👡 🖇 86. Destruction of certain Ballots.

The remaining ballots not so pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the board of inspectors shall be dissolved. (1882, ch. 410, § 1898.)

§ 87. Receipts for Registers and Returns.

In case any officer to whom any of the papers in the preceding sections are directed to be delivered shall be absent from his office, the same may be delivered to the person authorized in such case to attend to his official duties, and the officer or person to whom any envelope containing any statement or tally, or to whom any register, or copy thereof, or poll-list shall be delivered as in this chapter provided, shall give a receipt therefor to the inspector or poll clerk from whom the same is received, and such receipt shall be filed by said inspector or poll clerk in the office of the comptroller before any payment for his services shall be made. (1882, ch. 410, § 1899.)

§ 88. Care of Sealed Envelopes by Clerk of Board of Aldermen.

The envelopes delivered to the clerk of the board of aldermen shall be kept sealed, and shall not be opened until the same are produced before the board of county canvassers, when they shall be opened for the canvassing of the returns, and, when so opened, the presiding officer of the said board shall mark each separate sheet of the statements with the initials of his name. (1882, ch. 410, §1900.)

§ 89. Care of Sealed Envelopes by County Clerk.

The envelopes delivered to the county clerk shall be kept sealed and unopened until the same shall be required to be opened by the board of county canvassers, or other lawful authority, and, when so opened, the officer or person opening the same shall mark each separate sheet of the statement with the initials of his name. (1882, ch. 410, § 1901.)

§ 90. Preservation of Undistributed Ballots.

* * * The packages of detached stubs and ballots not voted, prepared by the ballot clerks, shall be filed by inspectors of election in the city of New York, with the board of police commissioners * * *. Such packages shall be preserved * * * for one year from the time of the filing thereof, may be opened and examined upon the order of a court or judge, or by any board of canvassers of the returns of election district canvassers, and at the expiration of such year, may be destroyed. (1892, ch. 680, §117.)

§ 91. Ballots marked for Identification.

If any such certified statement of the result of a canvass shall show that any of the ballots counted were objected to as marked for identification, a writ of mandamus may, upon the application of any candidate voted for at such election, within thirty days thereafter, issue out of the supreme court, if such statement be filed in a county clerk's office, to the board of county canvassers, or if in any city clerk's office or in any town or village clerk's office, to the board or body of canvassers if any of the returns of the inspectors or canvassers of the election district, and otherwise to the inspectors of election making such statement, requiring a recount of the votes. If the court shall, in the proceedings upon such writ, determine that any such ballot was marked for the purpose of identification, in any manner not proper or necessary for expressing a vote for a person for an office to be filled at such election, the court may order such ballot to be excluded upon a recount of such votes. Inspectors and canvassers of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings. (1892, ch. 680, § 118.)

ARTICLE VI.

COUNTY AND STATE BOARDS OF CANVASSERS.

§ 92. Board of County Canvassers.

The board of aldermen of the city of New York shall be the board of county canvassers; and it shall be their duty to finally canvass, declare and certify the result of every election hereafter held in the city and county of New York. Such canvass, declaration and certification shall be made and conducted under the existing provisions of law not inconsistent with this chapter, so far as the same are applicable. (1882, ch. 410, § 1902.)

§ 93. Production of Election District Statements before County Board.

Thereupon the county clerk shall deliver to such board all the original and certified copies of such statements of results of canvass filed with or delivered to him. All such original state-

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ments delivered to the members of such board shall be then delivered to the board. If any member of the county board of canvassers shall be unable to attend the first meeting of such board, he shall at or before such meeting cause to be delivered to the county clerk of such county all such original statements delivered to him.

If at the first meeting of a county board of canvassers of any county all such original statements of the results of the canvass of the votes cast at such election in all the election districts in the county, shall not be produced before the board, the board shall adjourn to some convenient hour of the next day and the county clerk of such county shall, by special messenger or otherwise, obtain such missing original statements if practicable or certified copies thereof in time to be produced before such board at its next meeting.

At such adjourned meeting or as soon as an original or certified copy of such statement of the result of the canvass of the votes cast at such election in every election district in the county shall be produced before such board, the board shall from such original statements and certified copies proceed to canvass the votes cast in such county at such election other than for town, city or village officers or upon propositions or questions upon which the voters of a portion only of such county were entitled to vote. (1892, ch. 680, § 131.)

§ 94. Correction of Clerical Errors in Election District Statements.

If upon proceeding to canvass such votes, it shall clearly appear to any county board of canvassers that certain matters are omitted from any such statement or copy, which should have been inserted, or that any merely clerical mistake exist therein, they shall cause such statement or copy to be sent by one of their number, whom they shall depute for that purpose to the inspectors or other canvassers whose names are subscribed thereto, for correction, and the member so deputed shall immediately give notice to such inspectors or canvassers, who shall forthwith meet and make such correction as the facts of the case require; but such inspectors or canvassers shall not change or alter any decision

before made by them, but shall only cause their canvass to be correctly stated. The board of county canvassers may adjourn from day to day, not exceeding three days in all, for the purpose of obtaining and receiving such corrected statements. (1892, ch. 680, § 132.)

§ 95. Mandamus for Correction of Errors.

The supreme court may, upon affidavit presented by any voter showing that errors have occurred in any statement or determination made by any county board of canvassers, make an order requiring such board to correct such errors, or show cause why such correction should not be made. If such board fail or neglect to make such correction, or to show cause as aforesaid, the court may compel such board by writ of mandamus to correct such errors; and if it shall have made its determination and dissolved. to reconvene for the purpose of making such corrections. meeting of the board of county canvassers shall be deemed a continuation of its regular session for the purpose of making such corrections as the court shall order, and the statement and certificates shall be made and filed as the court shall direct, and shall stand in lieu of the original certificates and statements so far as they shall vary therefrom, and shall in all places be treated with the same effect as if such corrected statement had been a part of the original required by law. (1892, ch. 680, § 133.)

§ 96. Statements of Canvass by County Board.

Upon the completion by a county board of canvassers of their canvass of the votes so cast in such county, they shall make separate statements thereof as follows: One statement as to all the votes, if any, so cast for all the candidates for each office of elector of president and vice-president of the United States for which the electors of such county were entitled to vote at such election; another statement as to all the votes so cast for all the candidates for each state office and for each office of representative in congress for which the electors of such county or any portion thereof are entitled to vote; another statement as to all the votes, if any, cast upon every proposed constitutional

amendment or other proposition or question duly submitted to all the electors of the state at such election; another statement as to all the votes cast for all the candidates for each, office of member of assembly for which the electors of such county or any portion thereof, were entitled to vote at such election; another statement as to all the votes, if any, so cast for all the candidates for each county office and office of school commissioner for which the electors of such county or any portion thereof, were entitled to vote at such election; another statement as to all the votes, if any, so cast upon any proposition or question upon which only the electors of such county were entitled to vote at such election.

Each such statement shall set forth in words written out at length all the votes so cast for all the candidates for each such office, and if any such office was to be filled at such election by the electors of a portion only of such county, all the votes cast for all the candidates for each office in any such portion of the county designating it by its proper district number or other appropriate designation, the names of each such candidate and the number of votes so cast for each, the whole number of votes so cast upon any proposed constitutional amendment or other proposition or question and of all the votes so cast in favor of and against the same respectively.

If upon such canvass any statement or duly certified copy of statement of the result of the canvass of the votes of any election district in such county, shall have any ballot annexed thereto, indorsed by the inspectors or canvassers to the effect in substance that it was objected to as marked for identification, the county board of canvassers shall count such ballot as though not so marked, unless otherwise ordered by a court of competent jurisdiction, but they shall add to each appropriate statement in which the count of any such ballot or portion thereof is included, a statement of the whole number of ballots so indorsed and counted for all the candidates for each office and the number of such ballots so counted for each candidate.

Each such statement shall be certified as correct over the signatures of the members of the board or a majority of them and shall be filed and recorded in the office of the county clerk of such county. (1892, ch. 680, § 134.)

ARTICLE VII.

ELECTION OF REPRESENTATIVES IN CONGRESS AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

§ 97. Representatives in Congress—When and How Chosen.

Representatives in the house of representatives of the congress of the United States shall be chosen in the several congressional districts at the general election held therein in the year 1892 and every second year thereafter. If any such representative shall resign he shall forthwith transmit a notice of his resignation to the secretary of state and if a vacancy shall occur in any such office the clerk of the county in which such representative shall have resided at the time of his election shall, without delay, transmit a notice thereof to the secretary of state. (1892, ch. 680, § 160.)

§ 98. Electors of President and Vice-President— When and How Chosen.

At the general election in November, preceding the time fixed by the law of the United States for the choice of president and vice-president of the United States, there shall be elected by general ticket as many electors of president and vice-president as this state shall be entitled to, and each elector in this state shall have a right to vote for the whole number, and the several persons to the number required to be chosen having the highest number of votes shall be declared and be duly appointed electors. (1892, ch. 680, § 161.)

ARTICLE VIII.

PENALTIES.

§ 99. Registration—Interference with or False.

If at any general registration of voters, or at any meeting of inspectors of election held for such purpose or for a revision thereof as provided in this chapter, any person shall falsely personate an elector or other person, and register or attempt or offer to register in the name of such elector or other person; or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register, in or under the name of any other person, or in or under any false, assumed, or fictitious name, or in or under any name not his own; or shall knowingly or fraudulently register in two election districts; or having registered in one district, shall fraudulently attempt or offer to register in another, or shall fraudulently register or attempt or offer to register in any election district not having a lawful right to register therein; or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, willfully or fraudulently, by false personation or otherwise, or by any unlawful means cause or procure, or attempt to cause or procure, the name of any qualified voter in any election district to be erased or stricken from any register of the votes of such district, made in pursuance of this chapter, or otherwise than is in this chapter provided; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means, prevent, hinder, or delay any person having a lawful right to register or to be registered, from duly exercising such right; or who shall knowingly, willfully, or fraudulently compel or induce, or attempt or offer to compel or induce, by such means, or any unlawful means, any inspector of election or other officer of registration, in any election district, to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed, or fictitious name, or any name of any person, except as provided in this chapter; or shall knowingly, or willfully, or fraudulently interfere with, hinder or delay any inspector of election or other officer of registration in the discharge of his duties, or counsel, advise, or induce or attempt to induce any such inspector or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure, or advise, any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden, or in this chapter constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison not less than one nor more than five years. (1882, ch. 410, § 1903.)

§ 100. Voting-Interference with or False.

If, at any election hereafter held in the city and county of New York, any person shall falsely personate any elector or other person, and vote, or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own; or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law, or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or vote more than once, or vote in more than one election district, or having once voted, shall vote or attempt, or offer to vote again; or shall knowingly, willfully, or fraudulently do any unlawful act to secure a right, or an opportunity to vote for himself or for any other person, or shall by force, threat, menace, intimidation, bribery, or reward, or offer or promise thereof, or otherwise, unlawfully, either directly or indirectly, influence or attempt to influence, any elector in giving his vote, or prevent or hinder, or attempt to prevent or hinder, any qualified voter from freely exercising the rights of suffrage, or by any such means induce, or attempt to induce, any such voter to refuse to exercise any such right; or shall by any such means, or otherwise, compel or induce, or attempt to compel or induce, any inspector of election or other officer of election, in any election district, to receive the vote of any person not legally qualified or entitled to vote at the said election in such district; or shall knowingly, willfully, or fraudulently interfere with, delay, or hinder in manuer inspector election. any any of poll clerk. other officer of election inthe discharge bv any of such other means \mathbf{or} ful means, knowingly, willfully, or fraudulently counsel, advise, induce, or attempt to induce any inspector of election, poll clerk or other officer of election, whose duty it is to ascertain, proclaim,

announce, or declare the result of any such election, or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel, or advise, procure, or assist any voter, person or inspector of election, or other officer of election, to do any act by law forbidden, or in this chapter constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense, by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1904.)

§ 101. False Poll-list or Statement.

If any poll clerk, or any inspector of election, performing the duties of poll clerk, shall willfully keep a false poll-list, or shall knowingly insert in his poll-list, any false statement, or any name or statement, or any check, letter, or mark, except as in this chapter provided, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1905.)

§ 102. Fraudulently Excluding or Receiving a Vote.

Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall, upon conviction thereof, be adjudged guilty of a

felony, and shall be punished by inprisonment in a state prison for not more than two years. (1882, ch. 410, § 1906.)

§ 103. False Canvass or Certificate.

Every inspector of election, member of any board of canvassers, messenger, poll clerk, or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall willfully make any false canvass of such votes or who shall make, sign, publish, or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy, or conceal any statement or certificate intrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by inprisonment in a state prison not less than two nor more than five years. (1882, ch. 410, § 1907.)

§ 104. Tampering with Contents of Ballot-box.

If any person other than an inspector of election shall at any such election knowingly and willfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes; or if any such inspector shall knowingly and willfully cause or permit any ballots to be in said box at the opening of the polls and before voting shall have commenced; or shall knowingly and willfully, or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and checked upon the register, as hereinbefore provided; or if any such inspector, or other officer or person, shall fraudulently, during the canvass of ballots, in any manner change, substitute, or alter any ballots taken from the box then being canvassed, or from any box which has not been canvassed, or shall remove any ballot or semblance therefrom, or add any ballot, or semblance thereof, to, the ballots taken from the box then being canvassed, or from any box which has not been canvassed, every such person shall, upon conviction thereof, be adjudged guilty of felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1908.)

§ 105. Willful Neglect of Duty.

If any inspector of election, poll clerk, or other officer of registration, revision, election, or canvass, of whom any duty is required in this chapter, or by the general election laws of this state (so far as the same are consistent with the provisions of this chapter), shall be guilty of any willful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1909.)

§ 106. Destroying Records by Custodian.

Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes or copy thereof, oath, return of votes, certificates, poll-list, or any paper, document, or evidence of any description in this chapter, directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this chapter, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in a state prison, not exceeding five years, and shall, in addition thereto, forfeit his office. (1882, ch. 410, § 1910.)

§ 107. Destroying Records by Others than Custodians.

Every person not an officer, such as is mentioned in the last preceding section, or who is guilty of any of the acts specified in said section, or who advises, procures, or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in a state prison, not exceeding five years. (1882, ch. 410, § 1911.)

§ 108. Perjury.

Any person who shall be convicted of willful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this chapter, or upon being challenged as unqualified upon offering to register or vote, shall be adjudged guilty of willful and corrupt perjury. (1882, ch. 410, § 1912.)

§ 109. Subornation of Perjury.

Any person who shall willfully and corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury. (1882, ch. 410, § 1913.)

§ 110. Fraudulent Use of the Ballot.

If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, on conviction thereof, be adjudged guilty of a felony, and shall, if an inspector of election, poll clerk, or other officer of election, be punished with imprisonment in a state prison not less than two nor more than five years; and if not such an inspector, poll clerk, or other officer of election, shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1914.)

§ 111. Convict Offering to Vote.

If any person who shall have been convicted of bribery, felony, or other infamous crime under the laws of this state, shall thereafter vote or offer to vote at any election in the city and county of New York, without having been pardoned and restored to all the rights of a citizen, he shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense, shall be punished by imprisonment in a state prison for not less than one nor more than three years. (1882, ch. 410, § 1915.)

§ 112. Contempt of Inspector's Authority.

If any person shall willfully disobey any lawful command of an inspector of election, or of any board of inspectors of election given in the execution of his or their duty as such, at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in a penitentiary for not less than thirty days nor more than one year, or by a fine of not less than two hundred and fifty nor more than one thousand dollars, or by both such fine and imprisonment. (1882, ch. 410, § 1916.)

§ 113. Disorderly Conduct at Polling-place.

If at any general registration of voters, or revision thereof, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or use any disorderly violence, or threats of violence, whereby any such registration, revision, election, or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll clerk, or other officer of such election, or challenger, or person designated to be present at the canvass of any ballots, as hereinbefore provided, are interfered with, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1917.)

§ 114. Interference with Election Officers.

If any person shall knowingly or willfully obstruct, hinder, assault, or by bribery, solicitation, or otherwise, interefere with any inspector of election, poll clerk, challenger, or person designated as provided in this chapter to be present at the canvass of any ballots in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person, by any of the means before mentioned, or otherwise unlawfully, shall, on the day of registration, revision of reg istration, or of election, hinder or prevent any inspector of election, poll clerk, challenger, or any person designated, as provided in this chapter, to be present at the canvass of ballots, in his free attendance and presence at the place of registration, or of election in the election district in and for which he is appointed or designated to serve, or in his full and free access and egress to and from any such place of registration, revision of registration, or of election; or to and from any room where any such registration, revision of registration, or election or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest. interfere with, remove, or eject from any such place of registration, or poll of election, or of canvassing ballots cast thereat, or of making returns or certificates thereof, any such inspector of election, poll clerk, challenger, or person designated as provided in this chapter to watch the canvass of any ballots, save as otherwise provided in this chapter, or shall unlawfully threaten, or attempt, or offer so to do, every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in a penitentiary for not less than six months nor more than one year, or shall be fined not less than five hundred nor more than two thousand dollars, or both. (1882, ch. 410, § 1918.)

§ 115. Special Neglect of Duty.

Any inspector of election who shall willfully neglect, or when called on, shall willfully decline to exercise the powers conferred on him in this chapter, for any of the purposes set forth in section eighteen hundred and fifty-six of this act, shall be deemed

guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in a penitentiary for not less than thirty days nor more than one year, or by a fine of not less than two hundred and fifty nor more than one thousand dollars, or by both such fine and imprisonment. (1882, ch. 410, § 1919.)

§ 116. Improper Treatment of Ballots or Boxes.

If any person shall, upon the day of any such election, or before the canvass of votes is completed, steal, or willfully break or destroy any ballot-box used, or intended to be used, at such election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or conceal any ballot which has been deposited in any ballot-box at such election, which has not been already counted and canvassed, or any poll-list used, or intended to be used at such election, or any report, return, certificate, or other evidence in this chapter required, or provided for, shall, on conviction thereof, be adjudged guilty of a felony, and shall for each and every offense, be punished by imprisonment in a state prison for not less than two nor more than five years. (1882, ch. 410, § 1920.)

§ 117. Acting Without the Majority.

If in any election district at any general registration of voters or revision thereof, or at any election hereafter held in the city and county of New York, any inspector of election or poll clerk shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters or poll-book, or receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than thirty nor more than sixty days, or fined not less than one hundred nor more than one thousand dollars, or by both such fine and imprisonment. If any inspector of election in any election district shall, without urgent necessity, absent himself from the

place of registration or the polls in said district, upon any day of registration or election, whereby less than a majority of all the inspectors in such election district shall be present during the hours of registration, election, or canvass of ballots, he shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than sixty days nor more than six months, or shall be fined not less than five hundred nor more than one thousand dollars, or both. (1882, ch. 410, § 1921.)

§ 118. Illegal Practices.

It shall be unlawful for any inspector of election, poll clerk, challenger, or person designated as provided in this chapter to be present at the canvass of any ballots in any district, during the election or canvass of ballots, to have or keep any ballots behind the boxes or within the polling-place, or for them or any person or persons within the polling-place to electioneer, distribute tickets or ballots, or engage in any political discussion. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days, or by a fine of not less than one hundred nor more than one thousand dollars, or both. (1882, ch. 410, § 1923.)

§ 119. Introduction of Liquor into Polling-place.

Whoever, during the sitting of any board of inspectors of election in any election district in the city and county of New York, whether held for the purposes of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order or send into, or shall cause to be taken, brought, ordered, or sent into, or shall attempt to bring, take, or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor. (1882, ch. 410, § 1924.)

§ 120. Irregularities Constitute no Defense.

Irregularities or defects in the mode of noticing, convening, holding, or conducting an election authorized by law, shall constitute no defense to a prosecution for a violation of the provisions of this chapter. (1882, ch. 410, § 1925.)

§ 121. All Elections Governed by this Chapter.

Every act which, by the provisions of this chapter or the general election laws, is made criminal when committed with reference to the election of a candidate, is equally criminal when committed with reference to the determination of a question submitted to electors to be decided by votes cast at an election. (1882, ch. 410, § 1926.)

§ 122. Evidence to Prove Lawful Intent.

Upon any prosecution for procuring, offering, or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed, upon good reason, that the vote complained of was a lawful one, and the jury may take such facts into consideration in determining whether the acts complained of were willfully done or not. (1882, ch. 410, § 1927.)

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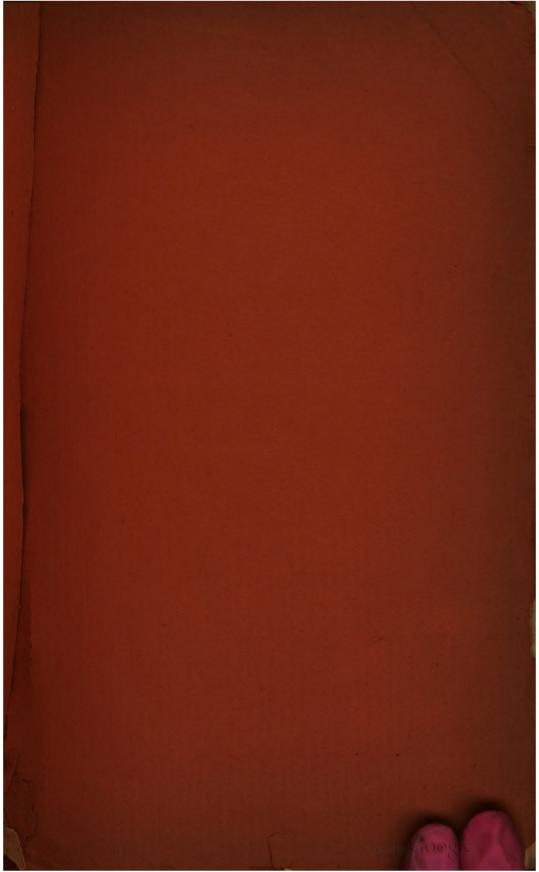


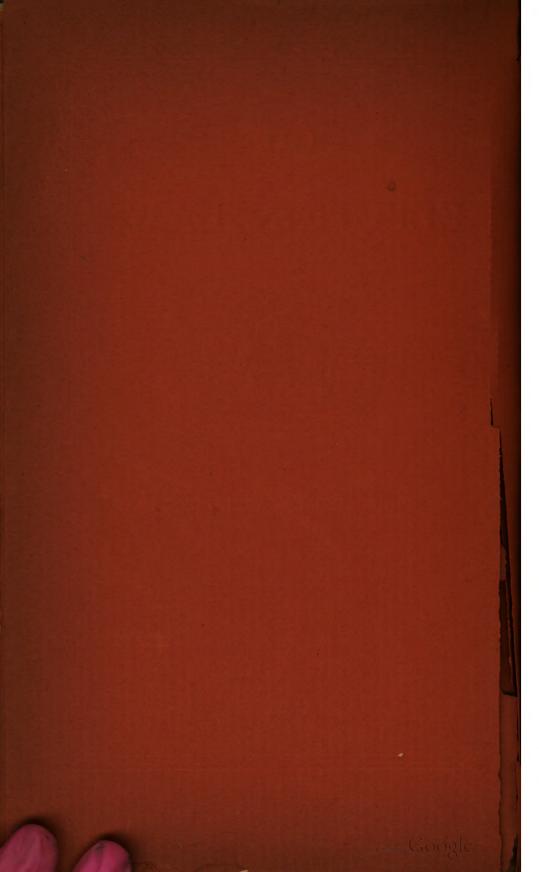
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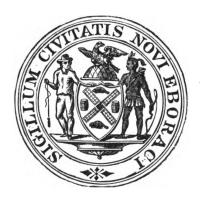






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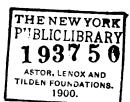
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ELECTION LAWS.

THE ELECTION LAWS

REGULATING THE CONDUCT OF ELECTIONS

IN THE

CITY AND COUNTY OF NEW YORK.

1894.

- I. Times, Places, Notices and Officers.
- II. Qualifications and Registry of Voters.
- III. Conventions and Nominations.
- IV. Official Ballots, Sample Ballots and Instruction Cards.
- V. The Conduct of Elections.
- VI. County Canvassers.
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ARTICLE I.

TIMES, PLACES, NOTICES, AND OFFICERS.

Section 1. Date and Notice of General Election.

Hereafter all officers to be elected by the people, in the city and County of New York, shall be chosen at the general election held on the Tuesday succeeding the first Monday of November in each year, except in case where special or other elections may be authorized by law. The clerk of the board of aldermen shall, on the first Monday of October in each year, give notice by publication in not exceeding fifteen newspapers of large circulation, published in said city, specifying all the municipal officers (includ-

ing ward and district officers) to be chosen at the general election in November following—comprising all the city officers voted for by the electors of the city at large—as well as all officers elected by wards or districts in said city; and it shall not be necessary for the secretary of state to include in the general election notice to the sheriff of the county of New York any city or ward officers of the city of New York, nor shall any other notice of the election of such city and ward officers be required, except the notice published by the clerk of the board of aldermen, hereinbefore specified. (1882, ch. 410, § 1839.)

§ 2. Election Day a Legal Holiday.

The days upon which the general or local election shall hereafter be held in the city and county of New York shall, for all purposes whatever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, be treated and considered as is the first day of the week, commonly called Sunday. (1882, ch. 410, § 1840).

§ 3. Registry on Saturday Half-holidays.

No Saturday shall be deemed a holiday, nor shall any Saturday afternoon be deemed a half-holiday so as to affect any meeting or proceeding of the board of inspectors for registry. (1892, ch. 680, § 41.)

§ 4. Hours of Opening and Closing Polls.

The polls of every general election, and, unless otherwise provided by law, of every other election, shall open, if in the city of New York, at six o'clock in the forenoon; if elsewhere, at sunrise; and shall close, if in the city of New York, at four o'clock in the afternoon, if elsewhere, at sunset. After the polls are open there shall be no adjournment or intermission of the election, until the polls are closed. (1894, ch. 275, § 3.)

§ 5. Filling Vacancies in Elective Offices at General and Special Elections.

A vacancy occurring before October fifteenth in any year, in an office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election, or unless a special election therefor shall have been ordered to be held on or after such fifteenth day of October and before such general election.

Upon the failure to elect to any office, except governor or lieutenant-governor, at a general or special election at which the office is authorized to be filled; or upon the death or disqualification of a person elected to office at a general or special election before the commencement of his official term; or upon the occurrence of a vacancy in any elective office, which cannot be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor shall make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than twenty nor more than forty days from the date of the proclamation.

A special election shall not be held to fill a vacancy in the office of a representative in congress, unless such vacancy occur on or before the first day of July of the last year of the term of office, or unless occurring thereafter and a special session of congress be called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occur before the first day of April of the last year of the term of office; nor to fill a vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occur in either such office of senator or member of assembly, after such first day of April, and a special session of the legislature be called to meet between such first day of April and the next general election, or be called after October fourteenth of such year.

If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election. (1892, ch. 680, § 4.)

§ 6. Notice of Submission of Proposed Constitutional Amendment or other Proposition.

If it is provided by law that a constitutional amendment or other proposition or question shall be submitted to a popular vote at a general election, the secretary of state shall include in his notice to the county clerk, of the general election, a copy of such amendment, proposition or question, with the forms of the ballots to be voted thereon; and if more than one such amendment, proposition or question is to be voted upon at such election, the amendments and ballots shall be separately and consecutively numbered.

If such amendment, proposition or question is to be submitted at a special election, the secretary of state shall, at least twenty days before the election make and transmit to each county clerk a like notice. Each county clerk shall, forthwith upon the receipt of either such notice, file and record it in his office. (1892, ch. 680, § 6.)

§ 7. Sheriff or County Clerk to Notify.

The sheriff or clerk of the county of New York, who shall receive a notice of an election, shall, without delay, deliver a copy of such notice to the board of aldermen, and each alderman of said city. He shall also cause a copy of such notice to be published once in each week until the election therein specified, in such newspapers in said county, not exceeding fifteen in number, having the largest circulation in the city and county. (1882, ch. 410, § 1931.)

§ 8. Elections to Conform to State Law.

At every election hereafter held in the city and county of New York, the election and canvass of the votes cast thereat shall be in all respects conducted in conformity to the provisions of the general election laws of this state, except as in this chapter otherwise provided. (1882, ch. 410, § 1844.)

§ 9. Registers, Arrangement of.

It shall also be the duty of the board of police to cause to be prepared, books for the registration of names and facts required by this chapter. Said books to be known by the general name of registers, and to be so arranged as to admit of the entering, under the name of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number, under such other definite description of the location of the dwelling-place as shall enable it to be readily ascertained, found, and located, of the names of all male persons resident in each dwelling in each of said districts who shall apply for registration. shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this chapter, and shall be of such size as to contain not less than seven hundred names, and so prepared as that they may be used at each election in the city and county of New York, until such time as in this chapter provided for the succeeding general registration. ch. 410, § 1846.)

§ 10. Arrangement and Alteration of Election Districts.

It shall not be lawful for the said board to alter or change either the number or boundaries of any election district, save in such years as by law the said city and county is redistricted by assembly districts, and in such years as the usual and customary enumeration of citizens in the city and county of New York is had and taken, when as early as the first day of September in any such year a general redistricting of the city shall be made by assembly districts, upon the basis of the registration of voters for that year last preceding the time of such redistricting, in which members of congress shall have been chosen. Such redistricting

shall be made in such manner that each election district shall contain as near as practicable two hundred and fifty voters on the basis of such registration. On or before the fifteenth day of August in each and every year, said board of police may divide such election districts, and such only as by the registration of voters of the preceding year shall be found to have had a registration of more than four hundred votes. But in any such division of any such district, one portion of the district shall retain the original numerical designation, and the other portion shall take the number following the highest numbered district in the assembly district of which it forms a part. No election district shall be in part within two congressional districts. The said board of police may also, on or before the tifteenth day of August in each and every year, consolidate into one election district any two or more adjoining election districts in any assembly district, one of which election districts by the registration of voters of two preceding years shall be found to have had a registration of less than two hundred and fifty voters. Where in any assembly district any two or more adjoining election districts may be divided or consolidated as herein provided, the election district contained in the said assembly district shall be renumbered accordingly in numerical sequence. (1847, Am. by ch. 169, L. 1890.)

§ 11. Inspectors of Election, Poll Clerks and Ballot Clerks in the City of New York.

All inspectors of election, poll clerks and ballot clerks in the city and county of New York shall hereafter be appointed by the board of police, who shall also have power to make all necessary removals and transfers, and to fill all vacancies which may, from any cause, arise. It shall be the duty of the said board of police, annually, in the months of August and September, to appoint four inspectors of election, two poll clerks and two ballot clerks for each election district in said city. Not more than two of the said inspectors of election, one of the said poll clerks and one of the said ballot clerks for each district shall belong to the same political party or be of the same political faith and opinion in state and national issues, and those inspectors, poll clerks and

ballot clerks, appointed to represent the party in the political minority on state issues in the said city and county, shall be selected solely by the commissioner or commissioners of police representing such political minority in the said board, so that two of such inspectors of election, one of such poll clerks and one of such ballot clerks, for each election district, shall belong to and be of the same political faith and opinion on state and national issues as the political party which, at the last preceding general election for state officers, cast the highest number of votes in the city of New York, and the remainder of such inspectors, and the remaining poll clerk and ballot clerk, for each election district, shall belong to and be of the same political faith and opinion on state and national issues as the political party which, at such election, cast the next highest number of votes for said officers in said city. On or before August fifteenth, in any year, the chairman of the executive committee of the general committee of each of said several political parties may make and file with the said board of police a list of persons qualified to be such inspectors, poll clerks and ballot clerks, and thereupon appointments shall be made as hereinbefore provided from the persons named in such list or lists; and if any of the persons so named shall not be duly qualified, the chairman of the committee by whom they were named may, within ten days after notice to him of the persons so disqualified, submit the names of other persons duly qualified, and if the names of qualified persons shall not be submitted as above provided, the board of police shall select and appoint qualified persons belonging to the political party entitled to name such officers. If more than one list for any political party is submitted to the board of police, the appointment shall be made from the list, if any, submitted by the organization of such party recognized as regular by the state convention of such party held next before such fifteenth day of August; or if the regularity of any of the organizations of a party submitting two or more such lists shall not have been passed on by such state convention of such party then such appointment shall be made from the list submitted by the organization decided to be regular by the state committee appointed by or organized in pursuance of such state convention.

All persons so appointed inspectors of election, poll clerks or ballot clerks, shall be citizens of the United States and of the state of New York, of good character and able to read, write and speak the English language understandingly, qualified voters of said city, and not candidates for any office to be voted for by the electors of the election district for which they shall be appointed; but no person shall be required to be a voter or resident in the election district for which he shall be appointed an inspector, poll clerk or ballot clerk. The persons so appointed shall be notified, examined as to their qualifications, and, if approved, shall each take and subscribe before the chief of the bureau of elections, or the chief clerk thereof, within twenty days from the date of notice of appointment, the constitutional oath of office.* Whoever shall be appointed and sworn into office as an inspector of election, poll clerk or ballot clerk shall receive a certificate of appointment from the board of police, such certificate to be in such form as shall be prescribed by the said board, and to specify the assembly and election districts in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The inspectors of election, poll clerks and ballot clerks appointed under the provisions of this chapter shall hold office for one year, unless sooner removed for want of the requisite qualifications, or for cause, in either of which cases such removal, unless made while such officer is actually on duty, on a day of registration, revision of registration, or election, and for improper conduct as an election officer, shall only be made after notice in writing to the officer to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. Provided, that any inspector of election, poll clerk or ballot clerk, who shall at any time be appointed to fill a vacancy, which fact shall be stated in a certificate of appointment, shall hold office only during the unexpired term of his predecessor, and that no inspector of election, poll clerk or ballot

^{* &}quot;I do solemnly swear (or affirm), that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of (inspector, poll or ballot clerk), according to the best of my ability." (Art. XII., Constitution State of New York.)

clerk shall be transferred from one election district to another after he has entered upon the performance of his duties. (1894, ch. 348, § 4).

§ 12. Vacancies.

Whenever there exists a vacancy in the office of inspector of election, poll clerk or ballot clerk, the person appointed to fill such vacancy shall belong to and represent the same political party as the officer whom he succeeds. (1893, ch. 274, § 1853.)

§ 13. Pay of Election Officers.

Inspectors of election, poll clerks and ballot clerks appointed in pursuance of the provisions of this chapter shall be entitled to receive six dollars per day for each day's service at any registration or revision of any registration, and twelve dollars per day for each day's service at any election, which compensation shall be paid on the certificate of the chief of the bureau of elections as to the period of service; but no payment shall be made to any person as an inspector of election, poll clerk or ballot clerk who shall not have taken, subscribed and filed the oath or affirmation required herein, and who shall not, during the period of his service have fully complied with all the requirements of law in anywise, relating to his duties, and the acting of any such person, in either of said capacities, without having taken, subscribed and filed the said oath or affirmation, shall be deemed to be and punished as a misdemeanor. Inspectors of election, poll clerks and ballot clerks during the time they shall hold such office shall be exempt from the performance of military and jury duty. (1893, ch. 274, § 1854.)

§ 14. Term of Service of Election Officers.

Each and every person selected and notified by the board of police as its choice for the office of inspector of election, poll clerk or ballot clerk, shall on the receipt of notice thereof, appear within ten days thereafter before the chief of the bureau of elections, for the purpose of examination, and if found qualified, shall, unless excused by said board by reason of ill health,

or other good and sufficient cause, be bound to serve as such officer at every election for the term of one year from the date of his appointment, and in case of neglect or refusal to comply with the above requirements, or to serve or act, shall be liable to a penalty of one hundred dollars, recoverable by the said board by civil action, in any court of record, in the name of the treasurer of the board, and for the use and benefit of the police fund; and a failure on the part of any such person to present himself for examination, or to comply with any of the requirements of this chapter preliminary to receiving his certificate of appointment within the time prescribed, or to attend on the day of any registration or revision of registration, or the day of any election during said term, unless prevented by sickness or other sufficient cause, the burden of proof which shall be upon the delinquent, shall be deemed a refusal within the meaning of this section. (1893, ch. 274, § 1855.)

§ 15. Inspectors to Preserve Order.

All meetings of the board of inspectors shall be public. said board, and each individual member thereof, shall have full authority to preserve peace and good order at such meetings and around the polls of an election, and to keep the access thereto open and unobstructed, and to enforce obedience to their lawful commands during their meetings. The said board may appoint one or more electors to communicate their orders and directions, and to assist in the performance of their duties in this section enjoined. If any person shall refuse to obey the lawful command of the inspectors, or by disorderly conduct, in their presence or hearing, shall interrupt or disturb their proceedings, they may make an order directing the sheriff, or any constable of the county, or any peace officer, to take the person so offending into custody and detain him until the final canvass of the votes shall be completed, but such order shall not prohibit the person so taken into custody from voting at such election. shall be executed by any sheriff, constable or peace officer to whom the same shall be delivered, but if none shall be present by any other person deputed by such board in writing. The said

board, or any member thereof, may order the arrest of any person other than an election officer violating, or attempting to violate, any of the provisions of this election code. (1894, ch. 275, § 16.)

§ 16. Ballot Boxes.

There shall be but one ballot box at each polling-place for receiving all ballots cast for candidates for office, except for commissioners of excise in towns. If proposed constitutional amendments, or other propositions or questions, may lawfully be voted upon thereat, there shall be one ballot box at each polling-place for the reception of ballots upon each such amendment or proposition or question, which shall be labeled and numbered to correspond with such amendments, propositions or questions, respect-There shall be at each polling-place as many other boxes as may be required by law to receive unvoted ballots. ballot or other box shall be provided with a sufficient lock and key, and with an opening in the lid large enough and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into the box. Each such box shall be large enough to properly receive and hold all ballots which may lawfully be deposited therein at any election. (1892, ch. 680, § 13.)

§ 17. Voting Booths and Guard Rails.

There shall be in each polling-place during each election, a sufficient number of voting booths, not less than one for every fifty voters in the election district. Each such booth shall be at least three feet square, shall have four sides inclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outwards and shall extend to within two feet of the floor. Each such booth shall contain a shelf which shall be one foot wide extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences, including shelves, pens, ink, blotting paper, pencils and mucilage as will enable the voters to conveniently prepare their ballots for voting. Each booth shall be kept clearly lighted while the polls are open, by artificial lights if necessary.

A guard rail shall be so constructed and placed at each pollin place that only such persons as are inside such rail can approa within six feet of the ballot boxes, and of the booths. T arrangement of the polling-place shall be such that the booths c only be reached by passing within the guard rail, and that t booths, ballot boxes, election officers, and every part of the poing-places, except the inside of the booths, shall be in plain vie of the election officers and of persons just outside the guard ra (1892, ch. 680, § 14.)

§ 18. Designation of Polling-places.

Hereafter the board of police of the city of New York sha designate and appoint the place of registry and polling-place i each of the election districts in the city and county of New York and shall hire all such places, and cause the same to be fitted up warmed, lighted, and cleansed, and the work of registration shal be carried on at the places so designated for such purposes. in each election district such place shall be in the most public orderly and convenient portions of the district, and no building or part of building shall be designated or used as a place of registry, revision of registration, or polling-place, in which, or in any part of which, spirituous or intoxicating liquor is sold, or has been sold within sixty days next preceding the time of using the same; and no place shall be designated or used for any such purpose without the same shall be well lighted with gas-unless there shall be no place in the district obtainable which is so (1882, ch. 410, § 1873.) lighted.

ARTICLE II.

QUALIFICATION AND REGISTRY OF VOTERS.

§ 19. General Registration.

Hereafter there shall, in the city and county of New York, be a general registration of the qualified voters resident in each election district in said city and county at the times hereinbelow provided, and then only: On Tuesday four weeks, the Wednesday of the third week, and the Friday and Saturday of the second week preceding the day of the November election, in each year.

For each and every election held in the city and county of New York, other than such as above designated in this section, there shall be a revision of the general registration had, as provided in this chapter, which revision shall be made on the Friday and Saturday of the second week preceding the day of each and every such election. (1882, ch. 410, § 1857).

§ 20. Proceedings of Board of Registry.

The inspectors of election appointed pursuant to the provisions of this chapter shall, at the times in this chapter designated for a general registration, meet in their respective election districts, at the places which, as provided in this chapter, shall be designated therein for such meeting, and at such times in each election district the said inspectors of election shall openly and publicly do and perform the following acts, viz.:

- 1. They shall organize, as a board, by selecting one of their number to act as chairman; but in case of failure to so organize within fifteen minutes after the time fixed for the meeting, the chairman shall be selected by lot.
- 2. They shall receive the application for registration of such male residents of their several election districts as then are, or on the day of election next following the day of making such applications, would be, entitled to vote therein, and who shall personally present themselves, and such only.
- 3. They shall remain in session on each of said days, between the hours of eight o'clock in the morning and nine o'clock in the evening, and shall administer, to all persons who personally apply to register, the following oath or affirmation, viz.:
- "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this state."
- 4. They shall then examine each applicant as to his qualifications as an elector, and unless otherwise provided herein, shall immediately, and in the presence of the applicant, enter in the registers to be made and furnished as provided in this chapter, the statements and acts below set forth, and in the manner following, viz.: First—Under the column "residence," the name

and number of the street, avenue, or other location of the dwelling, if there be a number, but if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed, and determined; and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there be more than one family residing in said house, either the floor on which he resides, every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second, or such other floor as it may be, or the number or location of the room or rooms occupied by the applicant and whether front or rear. Second—Under the column "address," the name of the applicant, giving the surname and Christian name in full; but the names of all persons residing in the same dwelling to follow each other, and to be under the street and housenumber, or other description, as provided of the dwelling. Third—Under the column of "sworn," the word "yes" or "no," Fourth-Under the column of "nativity," as the fact shall be. the state, country, kingdom, empire or dominion, as the fact shall be stated by the applicant. Fifth—Under the column of "color." the words "white" or "colored," as the fact shall be. Under the subdivisions of the general column of "term of residence," the periods by months or years stated by the applicant, in response to the inquiries made for the purpose of ascertaining his qualification and filling such column. Seventh - Under the column of "naturalized," the words "ves" or "no," or "native," as the fact shall be stated. Under the column of "date of papers," the date of naturalization, if naturalized, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this chapter. Ninth-Under the column of "court" the designation of the court in which, if naturalized. such naturalization was done, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this chapter. Under the column of "qualified voter," the words "yes" or "no," as the fact shall appear and be determined by at least three

of the board of inspectors of election, it being, however, required of them to designate as qualified voter any male person who, being otherwise qualified, shall not at the time of making the application be of age, provided the time when such applicant shall be of the age of twenty-one shall be subsequent to the date of his making application, and not later than the day of the election immediately following such time of applying. Eleventh—Under the column of "date of application," the month, day and year when the applicant presented himself and was adjudged a qualified voter in the election district. (1882, ch. 410, § 1858.)

§ 21. Disqualification of Voters.

No person convicted of bribery, or of an infamous crime punishable by imprisonment in a state prison, shall vote at an election or town meeting, unless sentenced upon such conviction to a reformatory, or unless he shall have been pardoned before or after the expiration of his term of imprisonment, and restored by the pardon to all the rights of a citizen. (1892, ch. 680, § 30.)

§ 22. Revision of Registration for Special Elections.

On the days and at the times in this chapter designated for any revision of any general registration, the duly qualified inspectors of elections shall meet in their respective election districts, at the places which, in accordance with the requirements of this chapter, shall have been provided for such meetings, and shall openly and publicly do and perform the following acts; namely: Each and every of the duties and requirements set forth in subdivisions one and three of section eighteen hundred and fiftyeight of this act. They shall in each election district receive the applications for registration of such male residents of the election district whose names are not then borne upon the registers thereof, as qualified voters therein, as shall personally present themselves, and who, on the day of election next ensuing, would be entitled to vote therein, and as to all applications made to them shall proceed therewith in the manner provided in subdivision four of section eighteen hundred and fifty-eight of this act, provided

that if, upon the examination, as in this chapter provided for, of any applicant for registration, it shall appear that he has, since the last day of any general registration of voters or revision thereof, in the said city and county of New York, moved into or become a resident of said election district, the said inspectors shall inquire from where such applicant removed or came from; and if it shall appear that such removal was from a place within the said city and county, they shall inquire if, in the election district in which he resided at the time of the last preceding general registration (naming such time), or in which he has resided at the time subsequent thereto, he has been registered, or has applied for registration; and if he shall swear that he has not, then the said inspector shall proceed with said application as with that of any other person who may apply to them; but if he shall swear that he has been so registered, the said inspectors shall, before further proceeding, require him to present to them a certificate of removal, as provided for in this chapter, so that his name shall not be upon the registers of two election districts; and upon the presentation to any board of inspectors of any certificate of removal, the said board shall treat the person presenting the same in the manner provided in subdivision four of section eighteen hundred and fifty-eight of this act, for applicants for registration. (1882, ch. 410, § 1859.)

§23. Removal Proceedings in Special Elections.

Any person who shall at any time, as provided in this chapter, have personally applied to the inspectors of election in any election district of the city and county of New York for registration, and shall have in the registers thereof been entered as a qualified voter, and who shall at any time prior to the close of any revision of registration have removed from the dwelling-place under which he shall, as a resident, be borne upon the registers, may, upon any day provided in this chapter for meetings of the inspectors of election, other than the day of any election, personally appear before the said inspectors in the election district in which he resided at the time his name was entered upon the said registers, during the hours in this chapter provided for their sessions for

such revision, and publicly take and subscribe, before one of said inspectors, the following oath or affirmation, which shall be known as an oath of removal:

"I residing at number in the election district of the assembly district of the city and county of New York, do solemnly swear (or affirm) that I am duly entered in the registers of said election district, from said residence as a qualified voter, and that I have removed my place of residence to number in the election district assembly district of said city and county, and I do. hereby request that the proper entries and records be made as the same are provided for by law, and that a certificate of removal be furnished me at this time."

Upon such oath or affirmation being made and subscribed as herein provided, it shall be the duty of the said inspectors to carefully preserve the same, and file within twenty-four hours after the close of any revision of registration, in the bureau of elections. And upon any such person so taking and subscribing said oath of removal, the said inspectors of election, if satisfied of the identity of the person making the same with the person he claims to be, as the description of said last-mentioned person shall appear on the registers, and if not satisfied therewith, shall at once, by a police officer present, or by any one whom said board shall especially authorize, make an examination and inquiry at the place of residence of said person, as the same shall be entered upon the registers as to the fact of the removal of such person from said dwelling-place, when if his removal therefrom shall be found by the report of such person to be a fact, shall immediately proceed to strike from said registers the name of such person by entering in each of the registers, opposite to and against the name of any such person, and in the column headed, "why disqualified," the word "removed;" in the column headed "date of erasing name," the month, day and year of such striking from said registers such name; and in the column headed "remarks," the words "transferred to," together with the number of the election and assembly districts to which such person shall, in his oath of removal, state he has removed and the initial letters of the name of the inspector who shall in each of said registers make such entries: and shall, through the name of any such person, as the same

shall appear on said registers, and there only, draw a line as indicative that such name is erased from the registers of that election district, and the name of any such person so found stricken and erased from said registers, shall, as to his name and residence at the place in said registers entered under the column of "residence," be thereafter considered by the bureau of elections, all inspectors of election, and all other election officers to be stricken from the registers of that election district, and shall be treated as if never entered thereon. If the dwelling-place to which any such person shall have removed, be within the boundaries of the same election district as was his former residence, as stated in the registers of said election district, the said inspectors shall in said registers, under the number or other description of the dwellingplace to which such person has removed, enter his name, and in the several columns opposite and against the same, such words and figures, as prior to the striking from or erasing of the name of such person in the manner in this section above provided, were in the column similarly headed and opposite to and against the name of each person as upon said registers, it appeared under the dwelling-place from which he shall have declared he has removed; and if the dwelling-place to which any such person shall have removed, shall be within the boundaries of any other election district than was the residence, under which he was previously entered on said registers, the said inspectors of election shall fill up, sign, and deliver to such person a certificate, which shall be known as a certificate of removal, and shall, be in the words and figures. following, to wit:

"CERTIFICATE OF REMOVAL.

"Polling place of the / election district
assembly district city of New
York, 18 To the board inspectors
of election election district,

assembly district.

"This is to certify that the name of
heretofore residing at in this election district, has
been by us, the inspectors of election in this district, stricken from the
registers of this district and the proper erasures made upon the oath of
removal, and at the request of said above-mentioned person; and that upon

the registers of this election district were entered as to him the following statement:

Name
Sworn
Color
Assembly district
State
Date of papers
Qualified voters

Residence
Nativity
County
Term of residence
County
Naturalized
Court
Date of application

(1882, ch. 410, § 1860, Am.)

§ 24. Manner of Keeping Registers.

The inspectors of election in each election district shall, on each day of any general registration, before adjourning, enter in each of two books prepared for that purpose, one of which shall be known as a public copy of the registers, and the other of which shall be known as the election bureau copy of the registers, all such names and residences, and all such data, information and statements, as during the day have been entered by the inspectors of election in the registers provided in this chapter. And the whole of said books, including those kept one by each of the said inspectors, and the two copies above named, shall, on each of said days, after the completion of such copies of the registers, be carefully compared throughout, so that each of the registers and copies thereof shall, in every respect, agree with each other, and contain the name and residence of each person who shall have applied for registration, and the facts respecting him, as the same shall have been stated by him and entered in the registers, as provided in this chapter. The said inspectors shall, on the last day of any general registration, certify each of said copies in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of any such general registration shall file the election bureau copy of the registers with the chief of the bureau of elections at his office, where the same shall be carefully preserved. And the said inspectors shall, on the last day of any revision of registration, before adjourning,

make a copy of the registers as they shall then be made up for the election next ensuing, which copy shall be marked and known as a public copy, and shall be certified as a copy of the original registers as then existing for the election next ensuing; and they shall also make, fill and certify, in blanks to be prepared and furnished for that purpose, the name and all such other particulars as shall be entered against or opposite to the name of any person which, having been once entered upon their registers, shall have been, on the days of any such revision of registration, for any reason stricken therefrom, as provided in this chapter, together with the name and all such other particulars as shall be entered against or opposite to the name of any person who shall, on any such day of revision, have been added by them to the said registers; and said blanks so filled up and certified, shall, within forty-eight hours after the close of any revision of registration, be left by one of said inspectors at the bureau of elections; and it shall be the duty of the chief of the bureau of elections to immediately enter, or cause to be entered, in the election bureau copy of the registers of each election district, on file in his office, all the proper and necessary entries requisite to make said copy conform to said registers, and be always a copy thereof. ch. 410, § 1861, Am.)

§ 25. Registers Ruled at close of Daily Registration.

The inspectors of election in each election district in said city and county of New York on each day of any general registration, or revision of registration, and before adjourning, shall, on each of the registers, and on each copy or copies thereof, as in this chapter it is provided shall on each of said days be made or kept, draw in ink immediately below the last name entered underneath each dwelling-place and below the last written words and figures entered opposite to or against such last name in each column, save that of residence, a heavy line as indicative of the fact that the entering of names on the said registers for the day mentioned in the column headed "date of application," and opposite to or against the name of the last person entered under any dwelling-place there ceased. (1882, ch. 410, § 1862.)

§ 26. Registers to be Certified.

The inspectors of election in each election district in the city and county of New York shall, in a place to be provided therefor on each of the registers required in this chapter, fill up, date, and each sign with his name and place of residence the appropriate and proper certificate, which shall be either printed or written, and for a general registration shall be in the words and figures following, to wit:

"We, the undersigned inspectors of	f election, in the
election district of the	assembly district of the city and county
of New York, do jointly and severally	certify that at the general registration
of voters held in said election district,	
and the days of	in the year
	d voters in the said election district, the
	as of said days, and that the number of
such registered qualified voters was and	l is
" Dáted New York,	, 18
•	
	1
And for a revision of any ge	neral registration, said certificate
shall be in the words and figures	s following, to wit:
"We, the undersigned inspectors of	<u> </u>
election district of the	assembly district of the city and
	severally certify that at the revision of
	held in said election district, on the
days of	in the year of
•	qualified voters of said election district,
. •	entered as of the said days, and such
number was and is	, and that they were stricken from the
	on district, the names which in the reg-
	stricken off and erased in the manner
prescribed by law, and that such numb	
- •	qualified voters in said election district
for the next ensuing election	, which is the number of
names now borne in this book as such	•
"Dated New York,	, 18
24104 1011 1014,	,
	••••••
•	_
(1882, ch. 410, § 1863.)	
(2002) 011. 110, 8 1000.)	•

§ 27. Registers to be Retained by Inspectors.

The inspectors of election in each election district in the city and county of New York shall, after making and signing either of the aforesaid certificates, retain and carefully preserve all the said registers provided for in this chapter—each inspector retaining the book which he made, or of which he had the custody and care on the days of any registration, or revision of registration -for their use on the day of the next ensuing election. public copy of the registers they shall, at the close of the proceedings on each day of any general registration, and upon the determination of their proceedings on the last day of any revision of registration, leave suspended in the place where such registration or revision of registration was conducted, where it shall be and remain until the next meeting of said inspectors, whether such meeting be for the purpose of registration, revision of registration or election, to the end that the same may be inspected and copied by any elector in said city and county. But on the day of any election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, returning it to the chief of the bureau of elections, as provided in this chapter, for the return of the registry kept by him, and with said register; and said copy shall be by the said chief of the bureau of elections retained and preserved and filed in said bureau. (1882, ch. 410, § 1864.)

§ 28. List of Voters Registered.

It shall be the duty of the inspectors of election in each election district, on each day of general registration or revision of registration, and before adjourning, to copy from the registers the names and residences of all persons registered upon that day, so that the names of those persons having the same residence shall appear together in the form and manner following, namely:

List of voters registered in the district of the county of New York, on the eighteen hundred and

election assembly district, of the city and day of

	R	eside	nce.	Name.	
141 Eas 143	at 32d	stree	t	Hill, John H. Stevenson, Benj. K. Denison, Wm. M. Harrison, George E. Williams, James S.	

And they shall append thereto a certificate signed by each of them in the words and figures following, namely:

"We, the undersigned inspectors of	f election, in the					
election district of the	assembly district in th					
city and county of New York, do joi	and severally certify that the list					
hereunto annexed is a true and correct copy of the names and residence						
the registers, of all persons who have been registered by us as qualified vot						
in said election district, this	da					
of ·	in the yea					
	•••••					
,						
	,,					

And it shall be the duty of the chairman of the board of inspectors of election, in each election district, to deliver such list, copy, and certificate prepared in the manner herein prescribed, immediately upon the completion thereof, to the captain of the police precinct in which the election district is situated; and it shall be the duty of such captain to deliver the same, without delay, and within twelve hours after the close of each day of general registration or revision of registration, to the supervisor of the City Record. It shall be the duty of the chief of the bureau of elections to prepare and furnish to the inspectors of elections in each election district the necessary blanks and forms as prescribed in this section. Any inspector of election who shall neglect or refuse to comply with the requirements of this section, shall be liable to a penalty of one hundred dollars, recoverable by the board of police by civil action, in any court of record, in the name of the treasurer of the board, and for the use and benefit of the police fund. (1882, ch. 410, §1865.)

§ 29. Record of Deaths (Special Elections).

It shall be the duty of the chief of the bureau of elections. from time to time, to so arrange the names of all male persons twenty-one years of age and upwards, who, by his records, appeared to have died subsequently to the passage of this act, as that alphabetical lists by assembly districts, with residences, ages, and a full statement of all particulars may, at any time, be made therefrom, and from the names and facts so arranged, to have prepared and made, or printed, and to cause to be delivered to each inspector of elections in each election district in the city and county of New York, on or before the organization of the board of inspectors in each district on the first day of any revision of registration, an alphabetical record of the male persons, twenty-one years of age and upwards, who in the assembly district in which the election district in which the inspector is to serve, since the third day prior to the day of the last preceding election, and within at least five days prior to any such first day of revision of registration, have died. Such record shall be known and designated as a record of deaths; and it shall be the duty of each of the inspectors of election in each election district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody, to the end that it may be preserved; and on the first day of any meeting of the inspectors of election in any election district, held for the purpose of a revision of registration, it shall be the duty of each inspector, as soon as the organization of the board of inspectors is completed, to examine the register in his custody, and as to the name of every person upon said registers, who by said record of deaths shall, by a coincidence in respect to said name and facts, appeared to have deceased, and opposite to and against every such name, to enter, in the column headed "why disqualified," the word "dead," in the column headed "date of erasing name," the month, day, and year of such erasing, and in the column headed "remarks," the words "stricken from registers," adding against each such entry made in the column of "remarks," the initial letters of the name of the inspector making such entry, and through the name of every person so stricken from the registers, and then only,

shall draw a line as indicative that such name is erased from the register of that election district. (1882, ch. 410, § 1868.)

§ 30. Additional Record of Deaths (Special Elections.)

It shall further be the duty of the chief of the bureau of elections to prepare by assembly districts, in the manner set forth in the preceding section, an additional record of such deaths as shall have occurred subsequent to the date of the record of deaths provided for in the preceding section, and within at least three days prior to the day of any such local election held in the city of New York. Said record shall be known and designated as an additional record of deaths, and a copy thereof shall, on or before the opening of the polls in each election district on the day of any such local election, be furnished to each inspector, who shall securely attach the same to the inside of his register, to the end that it may be preserved, and he have the same during the day of election with him at the polling-place, and on the opening of the poll shall proceed to make the same examination, entries, letters, and lines as to the name of any registered person found upon said additional record of deaths, as is provided for in the preceding section in the case of the name of a registered person found on the. record of deaths. (1882, ch. 410, § 1869.)

§ 31. Records of Deaths, filing of (Special Elections.)

The record of deaths, and the additional record of deaths, provided for in this chapter and furnished to each inspector, shall be left by him with the chief of the bureau of elections at the time and in the manner provided for the return of the register used by him on the day of any local election, and with such register. (1882, ch. 410, § 1870.)

§ 32. Qualified Voters may Challenge.

Any person who is a qualified voter in the city and county of New York may, upon any day of registration, or revision of registration, or of election, challenge and contest the right of any person to be registered in any election district, or to vote at any poll in the said city or county, or may require the name of any registered person to be marked for challenge, and on any such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to correctness of or additions to their registers. (1882, ch. 410, § 1872.

§ 33. Challenges to Applicants for Registry.

Any person who appears personally at any meeting of the board of inspectors for registry for any election and applies to have his name placed on the list of voters, may be challenged by any qualified elector of such district. If such applicant be so challenged, or if any member of the board shall have reason to suspect that such applicant is not entitled to registry, the board shall administer to such applicant the oath which is required by law to be administered to a challenged person offering to vote at a general election, and may thereupon examine him as to his qualifications as an elector, and may require him to state, under oath, his age, residence by street and number, if it have a street number, and otherwise to describe the locality thereof, and if he is not a householder, to state the name of the householder with whom he resides, and in like manner to describe the residence of such householder. If the applicant shall make such statement, and shall make oath to the circumstances which qualify him to vote at such election in such district, his name shall be added to such list of voters. If he shall refuse to make either such oath or statement, his name shall not be placed on such list. ch. 680, § 35.)

§ 34. Registry of Challenges.

If, at a meeting of a board of inspectors for registry, any elector of the district shall, upon oath, declare that he has reason to believe that any person on such list of voters will not be qualified to vote at such election, the board of inspectors shall place the words, "to be challenged," opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualifications shall be administered to him, and if he shall refuse to take such oath, he shall not be permitted to vote. (1892, ch. 680, § 36.)

§ 35. Addition and Cancellation of Names on the Registry Lists.

If the board of inspectors shall, at any meeting, neglect or refuse to place upon such list a name of any person who is entitled to have his name placed thereon, application may be made to any justice of the supreme court of the judicial district in which such election district is, or to any justice of the supreme court residing in a county adjoining such judicial district, or to a county judge of the county, or to any judge of a court of record of the city in which said election district is; and such justice or judge may, upon sufficient evidence, and upon such notice, of not less than twenty-four hours to the board of inspectors, and such other persons interested, of such application, as the justice or judge may require, order such name added to such list or registry of voters and such list shall be corrected accordingly. In case the name of any person not qualified to vote in such election district, or who can not be so qualified at the time of such election. shall appear upon such lists, application may be made by any elector of the said district, to any justice or judge hereinbefore specified, for an order striking such name from the list, and such justice or judge may, upon sufficient evidence, and upon such' notice of not less than twenty-four hours to the person interested. of such application, as the justice or judge may require, and served either personally or by depositing the same in the postoffice addressed to said person by his name; and at the address, which appears in the registry lists certified by the inspectors of election, order such name to be stricken from such list or registry of voters, and such lists shall be corrected accordingly, and for the purpose of carrying into effect any such order the inspectors must, if required thereby, convene at once upon the service upon of* them of such order, and carry out the directions therein contained. (1894, ch. 275, § 37.)

§ 36. Removal from or within the Election District.

No person who is registered in one election district shall register or cause himself to be registered in another district while

^{*} So in the original.

any prior registration remains unerased, or in any other manner than is in this chapter provided*; but if in the event of any revision of any general registration in any portion of the city and county of New York, any person shall present himself before any board of registration for the purpose of being registered as a voter, and it shall appear that the name of such person is borne upon the registry of any election district other than that in which he shall at the time of such revision make application for registration, and that since the day of the preceding election or registration he has removed from the district in which he was then registered to the district in which he shall at the time of any such revision, apply for registration, and it shall also appear that there is no meeting of the board of inspectors in the district in which his name shall be borne upon the registry for the purpose of revision, then and in such event the oath of removal may be made before any member of the board of inspectors in any district to which he shall have removed, and the person so appearing at any such revision of registration shall be entitled to all the rights and privileges to which he would be entitled were the registration a general registration, and the said person making an original application for registration. (1882, ch. 410, § 1875.)

§ 37. Powers of Majority of Inspectors.

For all powers, authority, and duties in this chapter prescribed for or conferred upon, and all action required of inspectors of election, or of a board of said inspectors of elections save where such authority or action is specifically allowed to each of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained. (1882, ch. 410, § 1876.)

§ 38. Election District Officers.

The several offices of inspectors of election and poll clerks, in this chapter named and created, are and shall be in all courts and proceedings deemed and held respectively to be election district officers, and it shall be the duty of the said inspectors of elections and poll clerks, respectively, or of a majority of the said inspectors, to be in constant attendance during the

^{*} Refers to all elections; remainder of section refers to special elections only.

hours and times fixed for the discharge of their several duties. (1882, ch. 410, § 1877.)

§ 39. Election Records to be Open to the Public.

* All data and statistics, and all registers, poll-books, and records of every kind and nature which, under this chapter, or under any laws of this state, or which in compliance with any direction, resolution, or order of the board of police of the city of New York, are or may be required to be made, ascertained, or kept by, or returned to or filed with either the chief of the bureau of elections or the register of records, in the board of health, shall at all times, during office hours, be open to the inspection, examination, comparison, and copying of any citizen or elector, free of any charge whatsoever. (1882, ch. 410, § 1878.)

$\S~40$. Election Officers May Canvass their Districts.

Any inspector of election, poll clerk, or other officer of elections, or any challenger appointed in compliance with the provisions of this chapter, or any person designated as provided in this chapter to be present at the canvass of any ballots, shall at any time between the Tuesday five weeks preceding the day of any general or local election held in the city and county of New York, and ten days after the first official promulgation by the board of county canvassers of the canvass, declaration, and certificate of the result of any such election, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act, upon any day of registration, or revision of registration, or election, and to make full inquiry respecting any and every male resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualifications as a voter; but the power and authority by this section conferred upon any inspector of election, poll clerk, or other officer of election, or any challenger or person designated to watch the canvass of ballots, shall wholly cease upon his resignation or removal from the office or position to which he was appointed, or for which he was designated. (1882, ch. 410, § 1879.)

§ 41. Special Elections.

If at any time a special election shall be held in any portion of the city and county of New York, the same revision of registration shall be had and made for any such portion of said city and county, and at the same intervals of time and times preceding the day of any such special election, and in the same manner as if the said election was a local election in, for, and throughout the said city and county, and each and every of the provisions of this chapter not inconsistent with the terms of this section, shall apply with as full force and effect to any such special election or revision of registration therefor as if the same was for a local election in, for, and throughout the said city and county. (1882, ch. 410, § 1880.)

ARTICLE III.

Conventions and Nominations.

§ 42. Party Nominations.

Nominations of candidates for public office, made by a primary or convention held therefor or by a duly authorized committee appointed by such primary or convention, shall be known as party nominations.

A certificate of such nominations shall be made, containing the name of the office for which each person is nominated, the name and residence of each such person, if in a city, the street, number of residence, and place of business, if any; and shall designate in not more than five words the party which such primary, convention or committee represents, and shall be signed by the chairman and secretary of the primary, convention or committee, who shall add to their names their respective places of residence, and their affidavit that they were such officers. (1892, ch. 680, § 56.)

§ 43. Independent Nominations.

Three thousand or more voters of the state may nominate candidates for offices to be filled by voters of the entire state; five hundred or more voters of a county or city or of a portion of the state greater than a county, except an assembly district composed of more than one county, may nominate candidates for offices to be filled by the voters of such county, city or portion of the state; two hundred and fifty or more voters of an assembly or school commissioner district, may nominate candidates for offices to be filled by the voters of such district; twenty-five or more voters of a ward, town or village may nominate candidates for offices to be filled by the voters of such town, ward or village.

If the nomination is for an office to be filled by the voters of the city and county of New York, the county of Kings, or the city of Brooklyn, not less than six hundred voters shall make such nomination. If the nomination is for an office to be filled wholly or in part by the voters of only a portion of either the city and county of New York, the county of Kings, or the city of Brooklyn, not less than two hundred and fifty voters shall make such nomination.

The nominations shall be made by a certificate signed and acknowledged by such voters, each of whom shall add to his signature his place of residence, and make oath that he is such voter and has truly stated his residence. The certificate shall contain the names of the offices to be filled, the name and residence of each candidate nominated, and if in a city, the street number of such residence and of his place of business if any; and shall designate, in not more than five words, the political or other name which the signers shall select, but the name of any organized political party shall not be used without using in connection therewith some other word or words to distinguish such name from such party name, and no word or designation shall be used indicating that the name is that of any regular party or political organization.

The certificate may designate upon the face thereof one or more persons, as authorized to nominate candidates for the offices named therein, for which no candidates are nominated in such certificate. The persons so designated may by certificates signed and duly acknowledged by them, specifying the political or other name used in the certificate in which such vacancies exist, nominate candidates to fill such vacancies. The signatures to the certificate of nomination need not all be appended to one paper.

No person shall sign more than one certificate, and no certificate shall contain the names of more candidates for any office than there are persons to be elected to such office. Such nominations shall be known as independent nominations. (1892, ch. 680, § 57.)

§ 44. Place of Filing Certificates of Nominations.

Certificates of nominations of candidates for offices to be filled by the voters of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state except that * * * each certificate of nomination of a candidate for senator for the fifth senatorial district shall be filed in the office of the board of police commissioners of the city of New York, and a copy thereof, certified by such board, shall be filed in the office of the county clerk of Richmond county.

Certificates of nomination of candidates for offices to be filled by only the voters or a portion of the voters of the city of New York, * * * shall be filed with the board of police commissioners of the city of New York * * *. (1892, ch. 680, §58.)

$\S~45$. When to file Certificates of Nomination.

The different certificates of nominations shall be filed within the following periods before the election for which the nominations are made, to wit: those required to be filed with the secretary of state, if party nominations, at least twenty-five and not more than forty days; if independent nominations, at least twenty and not more than forty days; those required to be filed with a county clerk or the board of police commissioners of the city of New York, * * if party nominations, at least twenty and not more than thirty days; if independent nominations, at least fifteen and not more than thirty days * * * . (1892; ch. 680, § 59.)

§ 46. Certification of Nominations.

The secretary of state shall, immediately upon the expiration of the time within which certificates of nominations may be filed with him, certify * * * to the board of police commissioners of the city of New York, * * * the name, residence and

place of business, if any, of each candidate nominated in any certificate so filed, for whom the voters of such county or city respectively may vote. (1892, ch. 680, § 60.)

§ 47. Publication of Nominations.

At least six days before an election to fill any public office,

* * * the board of police commissioners of the city of New
York * * shall cause to be published in not less than
two nor more than four newspapers within such county or city
respectively, a list of all nominations of candidates for offices to
be filled at such election, certified to such * * * board by
the secretary of state, or filed in the office of such * * *
board. Such publication shall contain the name and residence,
and * * * the street number of the residence, and place
of business, if any, and the party or other designation of each
candidate. (1892, ch. 680, § 61.)

§ 48. Declination of Nomination.

* * The name of a person nominated for any * * * office shall not be printed on the official ballots if he notifies the officer with whom the original certificate of his nomination is filed, in a writing signed by him and duly acknowledged, that he declines the nomination. If a party nomination, such notification shall be given at least twelve days, and if an independent nomination, at least ten days before the election. The officer to whom such notification is given shall forthwith inform, by mail or otherwise, one or more persons whose names are attached to the original certificates of nomination, that such nomination has been declined. (1892, ch. 680, § 64.)

§ 49. Objections to Certificates of Nomination.

A certificate of nomination which is in apparent conformity with the provisions of this article shall be valid, unless written objection thereto shall be filed in the office in which the certificate is filed within three days after the filing of the certificate. If such objection be filed, notice thereof shall be forthwith mailed to all candidates who may be affected thereby, addressed to them at their respective places of residence, as given in the certificate.

The officer with whom the certificate is filed, shall, in the first instance, pass upon the validity of such objection, and his decision shall be final, unless an order shall be made in the matter by a court of competent jurisdiction, or by a justice of the supreme court at chambers, on or before the Wednesday preceding the election. Such order may be made summarily upon application of any party interested, and upon such notice of not less than twenty-four hours, as the court or judge may require. (1892, ch. 680, § 65.)

§ 50. Filling Vacancies in Nominations.

If a nomination is duly declined or a nominee dies before election day, or if any certificate of nomination is insufficient or inoperative, any vacancy thus occasioned, may be filled in the manner required for original nominations, or, if it be an independent nomination, in the manner required for filling vacancies in the original certificate. If it be a party nomination and the primary or convention making it has delegated to a committee the power to fill vacancies, such committee may fill The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the new nominee, the office for which he is nominated, the name of the original nominee, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed and sworn to in the manner prescribed for the original certificate of nomination, and shall be filed in the office in which the original certificate is filed, at least two days before the election, if filed in the office of a town or village clerk, and at least eight days before the election if filed elsewhere, and upon being so filed shall have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the secretary of state he shall, in certifying the nomination to the * * * city boards, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee; or if he has already sent forward his certificate, he shall forthwith certify to the proper

board the name and description of the person so nominated to fill a vacancy, the office he is nominated for, together with the other details mentioned in the certificate of nomination so filed with the secretary of state, and the name of the person for whom such nominee is substituted. (1892, ch. 680, § 66.)

ARTICLE IV.

PREPARATION OF OFFICIAL BALLOTS, SAMPLE BALLOTS AND INSTRUCTION CARDS; DISTRIBUTION THEREOF TO POLLING-PLACES.

§ 51. When Official Ballots shall be Provided.

Official ballots shall be provided at public expense at each polling-place for every election at which public officers are to be elected directly by the people, * * * *. (1892, ch. 680, § 80.)

§ 52. Form of Official Ballots for Candidates.

Each official ballot for candidates for public office shall be six inches wide; shall have a perforated line running across it, parallel with and one inch distant from the top thereof; and shall be of such length that below such perforated line there shall be one-fourth of an inch in the length of the ballot for the name of each office and the same space for the name of each candidate to be printed thereon. The space above the perforated line shall be known as the stub.

The stubs of such ballots of each kind, for each election district, shall be numbered consecutively, by printed numbers on the backs thereof, and nothing else shall be printed on the backs of the stubs. On the face of each stub shall be printed in uniform type the words "official ballots for," and after the word "for" shall follow the designation of the polling-place for which the ballot is prepared.

On the back of each official ballot below the stub shall be printed in great primer Roman condensed capitals, the indorsement "official ballot for ," and after the word "for" shall follow the date of the election and a fac-simile of the signature of the officer, or clerk of the board providing the ballots, * * *.

Each official ballot shall be of such form, and so printed, that when the ballot is properly folded for voting, the whole of the indorsement and the printed number on the back of the stub shall be visible, and so that the stub can be removed without unfolding the ballot, or exposing or removing any portion of the face thereof below the perforated line. All official ballots prepared by the same officer or board for the same election district and the same election, containing the names of the same offices, shall be of precisely the same quality and tint of paper, kind of type and quality and tint of plain black ink, and of uniform length. (1892, ch. 680, § 81.)

§ 53. Names of Offices and Candidates on Ballots.

There shall be as many different kinds of official ballots for candidates for public office at each polling-place, at which official ballots are required to be provided as there are different political parties or political or other names represented upon duly filed certificates of nomination of candidates to be voted for thereat. The names of all the offices to be filled thereat shall be printed below the perforated line, upon the face of each such ballot of each kind, in brevier lower case type within the spaces respectively allowed therefor. Under the name of each office thereon, the name of each candidate nominated therefor by or by virtue of the kind of certificates to which such kind of ballot corresponds, shall be printed in brevier capitals, within the spaces respectively The names on each ballot shall be in a single allowed therefor. column except that the names of candidates for presidential electors, and the names of inspectors of election, if ten or more, shall be in two columns. No ballot shall contain the names of more candidates for one office than may be voted for at such election by one voter.

If the full number of candidates for the offices specified on any one kind of ballots shall not have been nominated by or in pursuance of the certificates from which such kind of ballots is prepared, blank spaces shall be left on each ballot of such kind where the names of candidates would appear, except for such failure to nominate. The name of a person having a party nomination shall not be placed upon an official ballot of independent nomination, if such person shall have given notice at least fifteen days before the election for which the ballot is prepared, to the

officer with whom his party certificate of nomination is filed, by a writing signed and acknowledged by him, that he does not wish his name placed upon any ballot of independent nomination, or upon such particular ballot of independent nomination.

The names of offices to be filled and of candidates to be voted for by the voters of a particular district or municipality only, shall not be printed on any other ballots than those prepared for such district or municipality.

If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be designated on the ballot as a part of the name of the office.

If at a general election, in any congressional district, one congressman is to be elected for a full term, and another to fill a vacancy, the ballots containing the names of the two candidates therefor shall designate the congress for which each is nominated. (1892, ch. 680, § 82.)

§ 54. Form of Official Ballot for Constitutional Amendments or Other Propositions.

Each official ballot upon a proposed constitutional amendment, or other proposition or question, shall comply with the requirements for official ballots for candidates for public office, except that there shall be plainly and clearly printed on the face thereof, below the perforated line upon each of one kind of such official ballots the proper language for designating a vote for, and upon each of the other kind of such ballots the proper language for designating a vote against such amendment, proposition or question. Each such ballot shall be of the same length, and the only indorsement on the back shall appropriately indicate the proposed amendment or other proposition or question to which the ballot relates, but without any indication on the back of the ballot of whether it is for or against the amendment, proposition or question. (1892, ch. 680, § 83.)

§ 55. Sample Ballots and Instruction Cards.

Twelve sample ballots of each kind shall also be provided for every polling-place for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from the official ballots and without numbers on the stubs, but shall not otherwise differ from the official ballots.

Twelve instruction cards, printed in English, and twelve printed in each of some other languages as the officer or officers charged with providing them shall deem necessary, shall be provided for each such polling-place, containing, in clear, large type, full instructions for the guidance of voters in obtaining ballots for voting, in preparing their ballots for deposit in the boxes, in returning their ballots to the ballot clerks, and in obtaining new ballots in place of those returned, and a copy of each of the sections of the Penal Code relating to crimes against the elective franchise. (1892, ch. 680, § 84.)

§ 56. Number of Ballots for each Polling-place.

The number of official ballots of each kind to be provided for each polling-place for each election to be held thereat, * * * shall be twice the number of the names of voters upon the register of voters in such district for such election at the close of the last meeting for such registry * * *. (1892, ch. 680, § 85.)

§ 57. Who shall provide Ballots and Instruction Cards.

- * * * The board of police commissioners of the city of New York * * * shall provide the requisite number of such ballots and instruction cards for each polling-place, in such city, * * * for each election to be held thereat * * *.
- * * * Each board (charged with providing official ballots for any polling-place), shall have the official ballots and sample ballots provided and in the possession of such * * * board * * * thereof, and open to public inspection as follows: the official ballots four days before the election, and the sample ballots seven days before the election for which they are prepared * * *. (1892, ch. 680, § 86.)

§ 58. Distribution of Ballots and Cards.

* * * The board of the city of New York required to provide the ballots for elections held therein, * * * shall * * deliver to the inspectors or presiding officers of the election at each polling-place at which such meetings and elections are held, respectively, the official ballots, sample ballots and instruction cards required to be provided therefor, respectively, in * * * sealed packages marked on the outside * * * thereof with the number and kind of ballots or instruction cards inclosed therein respectively, and the designation of the election district for which it is provided, and shall take and file receipts therefor * * * in their respective offices. (1892, ch. 680, § 87.)

§ 59. Errors and Omissions in Ballots.

Upon affidavit, presented by any voter, that an error or omission has occurred in the publication of the names or decription of the candidates nominated for office, or in the printing of the sample or official ballots, the supreme court, or a justice thereof, may make an order, requiring the county clerk, or other officer or board charged with the duty in respect to which such error or omission occurs, to correct such error, or show cause why such error should not be corrected. The county clerks or such other officers or boards, shall, upon their own motion, correct without delay, any patent error in the ballots which they may discover, or which shall be brought to their attention, and which can be corrected without interfering with the timely distribution of the ballots to the inspectors of election in the election districts. (1892, ch. 680, § 88.)

ARTICLE V.

THE CONDUCT OF ELECTIONS.

§ 60. Opening the Polls.

The inspectors of election, poll clerks and ballot clerks of each election district, shall meet at the time duly appointed for opening the polls of each election for which official ballots are required to be provided, at the polling-place therein, within the space inclosed by the guard-rail, for the purpose of conducting such election.

Within the meaning of this article, the territory in which the voters, entitled to vote at any such polling-place reside, shall be deemed an election district; the presiding officers of such election at such polling-place shall be deemed inspectors of election of such district, and any inspector or other officer duly designated to distribute official ballots to voters thereof shall be deemed a ballot clerk thereof.

The inspectors of election shall then and there have the ballotboxes required by law for the reception of ballots to be voted thereat; the box required for the reception of unvoted ballots; the sealed packages of official ballots, sample ballots and instruction cards required to be delivered to them for such election; and if it be an election at which registered voters only can vote, the register of such voters, and the certified copies thereof, required to be made and kept therefor.

Each such poll clerk shall then and there have the book required for keeping the poll list of such election.

The inspectors shall thereupon open the sealed packages of instruction cards, and cause them to be posted conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling-place, and at least three of each language in which they are printed in or about the polling-place; shall open the sealed packages of official ballots and sample ballots and place them in charge of the ballot clerks; and shall, before any ballots are cast, unlock the ballot-boxes and the box for the reception of unvoted ballots, see that they are empty, allow the watchers present to examine them, and lock them up again while empty, in such manner that the watchers present and persons just outside the guard-rail can see that such boxes are empty when they are relocked.

The instruction cards, so posted, shall not be taken down, torn or defaced during such election.

The ballot clerks with the official and sample ballots, the inspectors with such boxes and registry lists, and the poll clerks with their poll-list books, shall be stationed as near each other as practicable within such inclosed space.

One of the inspectors shall then make proclamation that the polls of the election are opened, and of the time o'clock in the afternoon when the polls will be closed. (1892, ch. 680, § 100.)

§ 61. Regulations within the Guard-rail.

From the time of such meeting for the purpose of conducting such election, until the announcement of the result of the canvass of the votes cast thereat and the signing of the certificate thereof by the inspectors, such boxes and all the official ballots shall be kept within the guard-rail.

No person shall be admitted within the guard-rail during such period, except such inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, persons duly admitted for the purpose of voting, and persons duly admitted to assist disabled voters, * * * and in the city of New York persons lawfully designated by candidates to be present at the canvass of the votes.

After such boxes are so relocked, while empty at the opening of the polls, they shall not be unlocked or opened until the closing of the polls of such election, and, except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked and before the announcement of the result of such canvass and the signing of such certificate.

No person shall deliver to any voter within such guard-rail a paster, paster ballot or any other ballot than such as the ballot clerks are lawfully authorized to deliver to a voter. (1892, ch. 680, § 101.)

§ 62. Watchers, Challengers, Electioneering.

Each political party duly filing certificates of nomination of candidates for offices to be filled at any such election, may, by writing signed by the committee or other similar representative of such organization or by the chairman thereof, and delivered to one of the inspectors of election, appoint not more than two watchers to attend each polling-place thereof. * * * Such watchers may be present at such polling-place, and within the guard-rail, from at least fifteen minutes before the unlocking and examination of any ballot-box at the opening of the polls of such election, until after the announcement of the result of the canvass of the votes cast thereat and the signing of the certificate thereof by the inspectors.

A reasonable number of challengers, at least one person of each such party, shall be permitted to remain just outside the guard-rail of each such polling-place, and where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat.

No person shall, while the polls are open at any polling-place, do any electioneering within such polling-place, or within one hundred and fifty feet therefrom in any public street or room, or in a public manner. (1892, ch. 680, § 102.)

§ 63. Voters Names must be on Three Registers.

The inspectors of election in each election district of the city and county of New York shall, on the day of any election therein, have with them at the polling-place in said district the registers provided for in this chapter. They shall each make use of one of said registers for guidance on said day, and no vote shall be received from any person whose name shall not be found by at least three of them to be upon at least three of the said registers as a qualified voter. The chairman of said inspectors in each election district shall, if present, and if absent, then one of the other inspectors shall, upon any person offering to vote, announce in a loud, clear, and distinct manner the name of such person, and no ballots shall be received by either of the inspectors, or deposited in any of the ballot-boxes until at least three of the said inspectors shall, as hereinbefore provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter; when, if the vote of said person is received, at least three of the inspectors shall write in the appropriate column bearing the heading "voted," and opposite to the name and residence of such person the word "yes." It shall be the duty of each of the inspectors to note on the register in his possession, in a suitable and separate part thereof, the name and residence of each and every person, if any, whose vote shall be received in contravention of the provisions of this section, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-boxes, or either of them, any such vote; and it shall further

be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they served, to leave said registers at the office of the chief of the bureau of elections, whose duty it shall be to file and preserve the same, as provided in this chapter. And in no election district in the said city and county shall any inspector, who has custody or charge of either of the registers in this chapter provided for, ever permit said register to leave his possession from the time of receiving custody of the same until he shall file the same, as provided in this chapter, save in the event of his resignation or removal, and the appointment as provided in this chapter of his successor, when he shall promptly surrender and turn over the same to him. (1882, ch. 410, § 1866.)

§ 64. Delivery of Ballots to Voters.

While the polls of such election are open, the voters entitled to vote and who have not previously voted thereat, may enter within the guard-rail of the polling-place of such election, for the purpose of voting, in such order that there shall not at any time be within such guard-rail more than twice as many voters as there are voting booths thereat, besides the persons lawfully within such guard-rail for other purposes than voting.

Upon entering within the guard-rail, for such purpose, the voter shall forthwith proceed to the ballot clerks and announce his name, and, if in a city, his residence by street and number, or if it have no street number a brief description of the locality thereof, and if required by the inspectors thereat, shall state whether he is over or under twenty-one years of age. If such voter is entitled to vote thereat, and is not challenged, or if challenged and the challenge be deemed in his favor, the ballot clerks thereat shall deliver, unfolded, to such voter, a full set, one of each kind, of the official ballots so provided. The ballot clerks may instruct the voter how to fold his ballot, by folding the

sample ballot in his presence, or otherwise than by folding an official ballot. Sample ballots may, in the discretion of the ballot clerks, be taken by voters into the voting booths, and left there during the election. (1892, ch. 680, § 103.)

§ 65. Preparation of Ballots for Voting.

The voter upon receiving such official ballots and instructions shall immediately enter one of the voting booths, if there be one vacant, or if none be vacant, as soon as one shall become vacant. Not more than one person shall occupy one voting booth at the same time, except that a voter who shall declare under oath to the inspectors of election that, by reason of total blindness, loss of both hands, such total inability in both hands that he cannot use either hand for ordinary purposes, or physical disability by reason of crippled condition or disease to enter the booth alone, he is unable to receive or prepare his ballots without assistance, may select a person for that purpose, who shall be allowed to pass within the guard-rail and receive such ballots and to enter the voting booth with such voter and there assist him in preparing his ballot. person so selected shall not in any manner request, or seek to persuade or induce such voter to vote any particular ballot or for any particular candidate, and shall not directly or indirectly reveal to any other person the name of any candidate voted for by such voter, or anything occurring within such voting booth, and he shall not remain within the guard-rail longer than is necessary to assist such disabled voter. No voter shall otherwise ask or receive the assistance of any person within the polling-place in the preparation of his ballot, or divulge to any one within the pollingplace the name of any candidate for whom he intends to vote, or for whom he has voted. No person shall occupy a voting booth more than ten minutes while all the other booths are occupied.

Within such voting booths and not elsewhere, the name of any person for whom the voter desires to vote for any office named on the official ballot, may be written on the official ballot which the voter proposes to vote; or a paster containing one or more such names or offices may be pasted thereon; or a paster ballot containing the names of all the candidates for whom the voter may vote for all such offices, may be pasted thereon. Every such paster or paster ballot shall be not more than four inches wide, shall be printed on white paper, in plain black ink, and in type uniform with that used on the official ballots. The paper on which such pasters or paster ballots are printed shall not be thicker or heavier than the paper on which the official ballots are printed. All such matter written or pasted on an official ballot shall be written or pasted below the perforated line, on the face of the ballot, being the side and division of the ballot on which the names of offices and candidates are printed, and so that no such pasted matter shall project beyond the sides of the official ballot upon which it is pasted, and so that no part of such paster or paster ballot shall be visible when the ballot is properly folded for voting.

Any name so written or pasted upon a ballot voted, shall be deemed the choice of the voter, notwithstanding the name of another candidate for the same office may be upon the original ballot without being erased, covered or concealed by the written or pasted matter. But if the names of two or more candidates for the same office are printed on such ballot and a less number of names of candidates for such office be written or pasted thereon, each such name printed on the official ballot shall, if not erased, covered or concealed, be deemed the choice of the voter.

After the voter has prepared his ballot for voting, and before leaving the booth, he shall fold it and each of the other official ballots in his possession first crosswise by bringing the bottom of each ballot up to the perforated line, and then in the middle lengthwise, in such manner that, when folded, the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, and so that the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub. No voter shall place any other mark upon, or tear or deface any of the ballots so folded by him, and prepared for presentation to the inspectors. If one of the official ballots delivered to a voter shall be spoiled before so prepared, the voter may upon returning to the ballot clerks all the official ballots delivered to him, obtain from him another full set, one of each kind, of the official ballots; but not more than four sets in all, of

official ballots shall be delivered to any voter. A voter may, after receiving one set of official ballots and before voting, return all such ballots to the ballot clerks and then pass outside the guardrail; and afterwards, while the poles are open, enter once again within the guard-rail for the purpose of voting, and receive and prepare his ballots and vote, the same as if he had not once before been within the guard-rail and received his ballots therefor. But not more than two sets in all of official ballots, shall, on such account, be delivered to any voter, and no voter shall pass within the guard-rail more than twice, at the same election, for the purpose of voting. (1892, ch. 680, § 104.)

§ 66. Manner of Voting.

When the ballot a voter proposes to vote shall be prepared, and it and all the others of the same set delivered to him shall be properly folded, he shall leave the voting booth with the ballots so folded, and keeping all his ballots so folded, shall proceed at once to the inspector in charge of the ballot-box, and first hand to such inspector the ballot he intends to vote. Such inspector shall announce the name of the voter and the printed number on the stubs of the official ballots in the voter's possession. voter be entitled then and there to vote, and he shall not be challenged, or if challenged and the challenge be determined in his favor, and if his ballots are properly folded and have no mark or tear visible on the outside thereof, except the printed number on the stubs and the printed indorsement on the back, and if such printed number is the same as that entered on the poll-list as the number on the stubs of the set of official ballots last delivered to him by the ballot clerk, such inspector shall receive such ballot which the voter intends to vote, and after removing the stub therefrom, in plain view of the voter and without removing any other part of the ballot, and without unfolding the ballot or in any way exposing any part of the face thereof below the stub, shall deposit it in the proper ballot-box for the reception of voted The voter shall thereupon, and after the ballot voted by him is deposited in the ballot-box, hand to the inspector in charge of the box for unvoted ballots, all the other official ballots of the same set delivered to him which he does not intend to vote, properly folded, and such inspectors after removing the stubs therefrom, in like manner, shall deposit such ballots which the voter does not intend to vote, still so folded in the box for unvoted ballots. Such voter shall then forthwith pass outside the guardrail, unless he be one of the persons authorized to remain within the guard-rail for other purposes than voting.

If the voter presents ballots improperly folded to such inspector, he may be further instructed as to the manner of properly folding his ballot, otherwise than by folding or unfolding the official ballots, and may return again, not exceeding four times in all, to the voting booth to properly prepare his ballots. No official ballots however folded shall be unfolded outside the voting booth.

No person to whom any official ballots shall be delivered, shall leave the space within the guard-rail until he shall deliver back all such ballots either to the inspectors, or to the ballot clerks. (1892, ch. 680, § 105.)

§ 67. General Duties of Ballot Clerks.

The ballot clerks shall deliver official ballots to the voters in such order that the numerical order of the numbers printed on the stubs of each set of ballots so delivered, shall be the same as the order of the successive deliveries thereof to the voters, the set of ballots numbered one on the stubs being first delivered and so on.

They shall not deliver to any voter a portion only of one full set of any kind of official ballots provided for such polling-place, and all the ballots so delivered together, at one time, to any one voter, shall have the same printed number on their stubs.

They shall, upon the delivery of official ballots to each voter, announce the voter's name, the number printed on the stub of each ballot so delivered, and, if in a city, the voter's residence by street and number, or if it have no street number a brief description of the locality thereof.

Upon the return of a set of ballots to them by any voter, they shall announce the name of the voter returning them, and the

printed number on the stubs of the ballots so returned. They shall cancel and carefully preserve all such ballots returned to them by voters, and shall not again deliver any such returned ballots to a voter.

They shall carefully preserve all detached stubs delivered to them by the inspectors.

They shall immediately upon the closing of the polls of each election, prepare and sign a written statement showing the number of full sets of official ballots delivered by them to voters, the number of such sets returned to them, the number of such sets not delivered by them to the voters, and the number of sets of detached stubs returned to them by the inspectors; and shall inclose all such ballots so returned to them, all such ballots not delivered to voters, and all such detached stubs, in a sealed package, and deliver it, together with such written statement * * to the chairman of the board of inspectors. (1892, ch. 680, § 106.)

§ 68. General Duties of Poll Clerks.

Each poll clerk at each polling-place for which official ballots are required to be provided, shall have a book for keeping the poll-list thereof, containing columns headed respectively, numbers on ballots, names of voters, and if in a city, residence of voters. If there shall be more than one ballot-box lawfully required for the reception of votes cast thereat, there shall be an additional column in each poll-list book for each ballot-box, headed with the numbers or other designations, respectively, of such ballot-boxes.

Upon each delivery of a set of official ballots by the ballot clerks to a voter, each poll clerk shall enter upon his poll-list, in the appropriate columns, the printed number upon the stubs of the ballots so delivered, the name of the voter, in the alphabetical order of the first letter of his surname, and if in a city, the residence of the voter by street and number, or if it have no street number, a brief description of the locality thereof. If the set of ballots delivered to any voter shall be returned by him to the ballot clerks, the ballot number thereof, so entered on the poll-

list, shall be cancelled, by drawing a mark through it, leaving the number still legible, and upon the delivery of each additional set of ballots by the ballot clerks to the same voter, the poll clerks shall add opposite the name of such voter on the poll-list, in the proper column, the printed number on the stubs of such additional set of ballots.

Each poll clerk shall make a memorandum on the poll-list kept by him, of every instance of a voter receiving the assistance of another person in the voting booth, in the preparation of his ballot, stating the name of such voter, the substance briefly of the reasons for requiring such assistance as sworn to by the voter, and the name of the person rendering such assistance.

Each poll clerk shall designate upon his poll-list, every person entered upon his list, who shall have been challenged and taken either of the oaths upon such challenge, by some appropriate mark opposite the name of each such person.

As each voter offers his ballots to the inspectors, each poll clerk shall report to the inspector whether the number entered on the poll-list kept by him, as the number on the stubs of the ballots last delivered to such voter, is the same as the numthe stubs of the ballots 80 offered. on shall voter votes, each poll clerk check the such voter on his poll-list, and if there be more than one ballot-box for the reception of votes cast, shall enter a check in each column headed to correspond to each ballot-box into which a ballot of such voter is deposited. Upon the close of the polls of the election, the poll clerks shall deliver such polllist to the chairman of the board of inspectors thereof. ch. 680, § 107.)

§ 69. General Duties of Inspectors.

One of the inspectors of election at each polling-place, while the polls of an election thereat are open, shall be designated to receive the ballots from the voters voting. If it be an election for which voters are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks to a voter, ascertain whether such voter is duly registered, and so announce to the ballot clerks, who shall not deliver any ballots to such voter until such inspectors announce that such voter is registered. Upon each delivery of ballots to a voter, such inspectors shall enter opposite the name of such voter upon the register and in each of the certified copies thereof, the number printed on the stubs of the ballots of each set so delivered, canceling any previous number so entered, without rendering it illegible. As each person, so registered, votes, they shall check his name upon such register, and upon each of the two certified copies thereof.

The inspectors shall, forthwith upon detaching the stubs from any set of official ballots, deliver such detached stubs to the ballot clerks. (1892, ch. 680, § 108.)

§ 70. When Unofficial Ballots may be Voted.

If, for any cause, the official ballots shall not be provided as required by law at any polling-place, upon the opening of the polls of an election thereat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballots, may be used. Whenever a candidate for any office, whose name is printed on the official ballot, shall, before the election day be or become ineligible or withdraw, voters may use unofficial ballots in voting to fill the office for which such deceased, ineligible or withdrawn candidate was nominated, and the name of the deceased, ineligible or withdrawn candidate shall be considered as having been erased from the official ballot; but such unofficial ballot can contain only the name of the person voted for in lieu of the deceased, ineligible or withdrawn candidate, under the name of the office for which such person is a candidate. (1892, ch. 680, § 109.)

§ 71. Challenge and Preliminary Oath.

A person may be challenged either when he applies to the ballot clerk for official ballots, or when he offers to an inspector the ballot he intends to vote, or previously by notice to that effect to an inspector, by any elector. The name of the person

challenging shall not be disclosed by an election officer unless required by a court or a judicial officer. It shall be the duty of each inspector to clallenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector. If any person offering to vote at any election shall be challenged in relation to his right to vote thereat, one of the inspectors shall tender to him the following preliminary oath: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector." The inspectors or one of them shall then question the person challenged in relation to his name; his place of residence before he came into that election district; his then place of residence; his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district; and all other matters which may tend to test his qualifications as a resident of the election district, citizenship and right to vote at such election at such polling-place. If any person shall refuse to take such preliminary oath when so tendered, or to answer fully any such question which shall be put to him, his vote shall be rejected. After receiving the answer of the person so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient. (1892, ch. 680, § 110.)

§ 72. General Oath on Challenge.

If the person so offering to vote, shall persist in his claim to vote, and the challenge shall not be withdrawn, one of the inspectors shall then administer to him the following oath:

"You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ten days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for thirty days a resident of this election district, and that you have not voted at this election."

If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state the following additional oath shall be administered by one of the inspectors:

"You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election."

If the person so offering shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors:

"You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen."

If any person shall refuse to take either oath so tendered, his vote shall be rejected. (1892, ch. 680, § 111.)

§ 73. Minutes respecting Persons Challenged.

The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered, by one of them the name of every person who shall be challenged or take either of such oaths, specifying in each case whether the preliminary oath or the general oath, or both were taken. At the close of the election, at each polling-place, the inspectors thereat shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election. (1892, ch. 680, § 112.)

§ 74. Allowance of Time for Employes to Vote.

Any person entitled to vote at a general election held within this state, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours, while the polls of such election are open. If such voter shall notify his employer, before the day of such election, of such intended absence, and if thereupon two consecutive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer, upon the day of such notice, makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such voter, and no other penalty shall be imposed upon him by his employer, by reason of such absence. (1892, ch. 680, § 113.)

§ 75. Registered Persons not Voting, to be Marked.

In each election district in the city and county of New York it shall be the duty of the inspectors of election to immediately, after the close of the polls on the day of any election, before proceeding with the canvass of the ballots in any box, and while the poll clerks are canvassing their books, to write in ink opposite to and against the name of each person entered in their registers, who is not shown by said registers to have voted, and in the column headed "voted," the word "no," so that the said column may be wholly filled up, and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day; and when they have made comparisons and ascertained such fact, the chairman of the board of inspectors, or, in his absence, the inspector acting as such, shall announce the same in a loud voice. (1882, ch. 410, § 1882.)

§ 76. Preparation for the Canvass.

As soon as the poll of an election shall have been finally closed, the inspectors of election, in their several election districts, shall immediately, and at the place of the poll, proceed to canvass the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed, and the several statements hereinafter required to be made by the inspectors shall have been made out and signed by them. No vote shall be received, nor shall any ballot be counted or canvassed, nor

shall any statement of votes, announcement, or proclamation, in this chapter required, be made at any time when the main entrance to the room in which the election is held shall be closed in such a manner as to prevent ingress and egress, but the said inspectors may station one or more officers at such entrance to exclude disorderly persons; nor shall any such duties be performed unless at least six persons, if so many claim that privilege are allowed to be present, and so near that they can see whether the duties of the said inspectors are faithfully performed. Each candidate for any office to be filled at the election may, by a certificate in writing, signed by him, designate one person for each election district in which he is a candidate, to be present at the canvass of the ballots containing the names of the persons designated for that office. The inspectors of election and the police or other officers attending at such election district specified in said certificate, shall make a passage for such person to the said inspectors, and the said inspectors shall permit him to be present at the canvass of all the ballots in the box containing the ballots for the office specified in the said certificate, and so near to them that he can see that such canvass, and the statement required of the votes found in each box, are correctly made. And no inspector of elections, or board of inspectors, or police or other officer, shall allow such person to be molested or removed during the canvass of such ballots, or until such statement has been made, completed and signed, unless he shall be personally guilty of fraudulent or disorderly conduct. (1882, ch. 410, § 1885.)

§ 77. Counting the Ballots.

As soon as the polls of an election are closed, * * * the inspectors of election thereat, shall publicly canvass and estimate the votes and not adjourn or postpone the canvass until it shall be fully completed. They shall commence by comparing the two poll-lists with each other, correcting any mistake therein and by counting the ballots found in the ballot boxes without unfolding them except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the poll-lists to have been deposited therein.

If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall be replaced, without being unfolded, in the box from which they were taken and one of the inspectors or canvassers shall, without seeing the same, publicly draw out as many ballots as shall be equal to such excess, and, without unfolding, deposit them in the box for unvoted ballots. If two or more ballots shall be found in a ballot-box so folded together as to present the appearance of a single ballot they shall be destroyed if the whole number of ballots in such ballot-box exceeds the whole number of ballots shown by the poll-lists to have been deposited therein, and not otherwise. there lawfully be more than one ballot-box for the reception of ballots voted at any one polling-place, no ballot, properly indorsed, found in the wrong ballot-box shall be rejected but shall be counted in the same manner as if found in the proper ballot-box, if such ballot shall not, together with the ballots found in the proper ballot-box, make a total of more ballots than are shown by the poll-lists to have been deposited in the proper box. ballot that has not the official indorsement shall be counted, except such as are voted in accordance with the provisions of this chapter relating to unofficial ballots. If requested by any watcher the inspectors or canvassers shall, during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher, fully opened and in such condition that he may fully and carefully read and examine the same; but such inspector or canvasser shall not allow any such ballot to be taken from When an inspector of election, or other election officer or duly authorized watcher shall, during a canvass of the votes or immediately after the completion thereof, declare his belief that any particular ballot, paster, or paster ballot affixed thereto has been written upon or marked in any way for the purpose of identification, the inspectors or canvassers shall write on the back of such ballot the words, "Objected to because marked for identification," or words in substance to that effect, and sign their names thereto, and attach each such ballot to their written statement of the result of the canvass. Each such ballot shall be counted by them the same as if not so objected to. (1892, ch. 680, § 114).

§ 78. Canvass and Estimate of Votes.

The board shall then proceed to canvass and estimate the votes in the following manner: The said inspectors shall open the ballots, and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. One of the said inspectors shall then take the kind of ballots which appears to be the greatest in number and count them by tens, carefully examining each name on each of said ballots. Such inspector shall then pass the ten ballots to the inspector sitting next to him, who shall count them in the same manner, and he shall then pass them to the third inspector, who shall also count them in the same manner. The third inspector shall then call the names of the persons named in the ballots and the offices for which they are designated, and the poll clerks shall tally the votes for each of such persons. The remaining inspectors shall watch the proceedings of the other inspectors and the poll clerks, and at their option may perform the same duties in respect to the canvass as are prescribed for the third inspector, or, in case of the absence of the poll clerk, may perform his duties. When the counting of each kind of ballot shall be completed, the poll clerks shall compare their tallies together and ascertain the total num. ber of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it, in a loud voice, to the inspectors. The kind of ballots which appear to be next greatest in number, and afterwards each of the other kinds of ballots in succession shall then be canvassed in the same manner. The ballots containing names partly from one kind of ballots and partly from another, being those usually called split tickets, and those from which the name of a person proper to be voted for on such ballots has been omitted or erased, usually called scratched tickets, shall then be can vassed separately by one of the inspectors sitting between two of the other inspectors, which inspector shall call each name to the poll clerks, and the office for which it is designated, the other inspectors looking at the ballot at the same time, and the poll clerks making note of the same. When all the ballots found in the box have been canvassed in this manner, the poll clerks shall compare their tallies together and ascertain the

total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce in a loud voice, to the inspectors, the number of votes received by each candidate, on each of the kinds of ballots containing his name, the number received by him on the split and scratch tickets, and the total number of votes received by him. If, after the ballots in any box have been opened or canvassed, the whole number of them shall be found to exceed the whole number of votes required by the corresponding columns of the poll-lists, the said inspectors shall return all the ballots into the box, and shall thoroughly mingle the same, and one of the inspectors to be designated by the board, shall, without seeing the same and with his back to the box, publicly draw out of such box so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed; but if the ballots have been canvassed, the votes for the persons named therein shall first be deducted from the votes entered for such person on the tallies. (1882, ch. 410, § 1891, Am.)

§ 79. Completing the Canvass.

The canvass of the ballots found in any box shall be completed by ascertaining how many ballots of the same kind corresponding in respect to the names of the persons thereon and the offices for which they are designated, have been received; and the result being found the said inspectors shall securely paste or attach to each statement of such canvass hereinafter directed to be made one ballot of each kind found to have been given for the officers to be chosen at such election; and they shall state in words at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be pasted or attached, the whole number of all the ballots that were received which correspond with the one so pasted or attached, so that one of each kind of the ballots received at such election for the officers then to be chosen shall be pasted or attached to such statement of such canvass. If only one ballot of any kind shall be found in the box, it shall be pasted or attached to the statement to be delivered to the clerk of the board of aldermen, and if only two ballots of any kind are found in the box, one shall be pasted or attached to the statement to be delivered to the clerk of the board of aldermen and the other to the statement to be delivered to the county clerk. They shall also paste or attach all the ballots rejected by them as being defective in whole or in part, to the statement to be delivered to the clerk of the board of aldermen. (1882, ch. 410, § 1892.)

§ 80. Announcement of Votes for an Office.

When the canvass of the ballots found in any box shall have been completed, and the poll clerks shall have announced to the inspector the total number of votes received by each candidate, the chairman of the board of inspectors of election, or, in his absence, the inspector acting as such, shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots found in the box, and the office for which they are designated, and such proclamation shall be prima facia evidence of the result of the canvass of such ballots. (1882, ch. 410, § 1893.)

§ 81. Delivery of Statement to Patrolman.

The inspectors shall immediately after such proclamation deliver to a patrolman on duty at the polling places, a statement subscribed with their names, which shall be forthwith conveyed by the said patrolman to the station-house of the precinct where the polling-place is located; and the captain or sergeant in charge shall immediately transmit by telegraph or otherwise, the result of such statement to the superintendent of police. Such statement shall contain the total number of votes in such ballotbox, and the number of votes found therein for each and every candidate. The captain or sergeant in command shall immediately deliver said statement to the chief of the bureau of elections, whose duty it shall be to file and preserve the same. (1882, ch. 410, § 1894).

§ 82. Proclamation of Result.

Upon the completion of such canvass and of the certified statement of the result thereof, the chairman of the inspectors of

election shall make public oral proclamation of the whole number of votes cast at such election at such polling-place for all candidates for each office; upon each proposed constitutional amendment or other question or proposition, if any, voted upon at such election; the whole number of votes given for each person, with the name of office for which he was named on the ballot; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted. (1892, ch. 680, § 116.)

§ 83. Statements of Canvass and Tallies.

The said inspectors shall make triplicate statements of the result of the canvass and estimate of the votes. Each of the statements shall contain a caption, stating the day on which, and the number of the election district, and assembly district, and the city and county in relation to which such statement shall be made, and the time of opening and closing the polls of such election It shall also contain a statement showing the whole number of votes given for each person designating the office for which they were given, which statement shall be written, or partly written and partly printed, in words at length; and at the end thereof a certificate that such statement is correct in all respects; which certificate and each sheet of paper forming part of the statement shall be subscribed by the said inspectors and poll clerks. If any inspector or poll clerk shall decline to sign any return, he shall state his reasons therefor in writing, and a copy thereof signed by him shall be inclosed with each return. Each of the statements shall be inclosed in an envelope, which shall then be securely sealed with wax, and each of the inspectors and each of the poll clerks shall write his name across every fold at which the envelope, if unfastened, could be opened, and across the seals thereon. One of the envelopes shall be directed on the outside to the clerk of the board of aldermen, another to the county clerk, and the third to the chief of the bureau of elections. Each set of tallies shall also be inclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the chief of the bureau of elections, and the other to

the mayor. On the outside of every envelope shall be indorsed whether it contains the statement or the tallies, and for what election and assembly district. (1882, ch. 410, § 1895.)

§ 84. Delivery of Statements and Tallies.

Within twenty-four hours after the several statements shall have been subscribed, one of the said inspectors shall deliver to the clerk of the board of aldermen the statement directed to him; another inspector shall deliver to the county clerk the statement directed to him; and a third inspector shall deliver to the chief of the bureau of elections the statement directed to him. One of the poll clerks shall deliver to the mayor the tallies directed to him, and the other poll clerk shall deliver to the chief of the bureau of elections the tallies directed to him. (1882, ch. 410, § 1896.)

§ 85. Poll-lists to be Certified and Filed.

The poll-lists kept at such election shall be certified, in writing, by both poll clerks, to be a true and correct list of the vote cast at the said election, in their respective election districts, and within twenty-four hours of the close of the canvass shall be filed * * * the one in the office of the county clerk, the other in the office of the chief of the bureau of elections, and shall be there preserved. (1882, ch. 410, § 1897.)

§ 86. Destruction of certain Ballots.

The remaining ballots not so pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the board of inspectors shall be dissolved. (1882, ch. 410, § 1898.)

§ 87. Receipts for Registers and Returns.

In case any officer to whom any of the papers in the preceding sections are directed to be delivered shall be absent from his office, the same may be delivered to the person authorized in such case to attend to his official duties, and the officer or person to whom any envelope containing any statement or tally, or to whom any register, or copy thereof, or poll-list shall be delivered as in this chapter provided, shall give a receipt therefor to the inspector or poll clerk from whom the same is received, and such receipt shall be filed by said inspector or poll clerk in the office of the comptroller before any payment for his services shall be made. (1882, ch. 410, § 1899.)

§ 88. Care of Sealed Envelopes by Clerk of Board of Aldermen.

The envelopes delivered to the clerk of the board of aldermen shall be kept sealed, and shall not be opened until the same are produced before the board of county canvassers, when they shall be opened for the canvassing of the returns, and, when so opened, the presiding officer of the said board shall mark each separate sheet of the statements with the initials of his name. (1882, ch. 410, § 1900.)

§ 89. Care of Sealed Envelopes by County Clerk.

The envelopes delivered to the county clerk shall be kept sealed and unopened until the same shall be required to be opened by the board of county canvassers, or other lawful authority, and, when so opened, the officer or person opening the same shall mark each separate sheet of the statement with the initials of his name. (1882, ch. 410, § 1901.)

§ 90. Preservation of Undistributed Ballots.

* * * The packages of detached stubs and ballots not voted, prepared by the ballot clerks, shall be filed by inspectors of election in the city of New York, with the board of police commissioners * * *. Such packages shall be preserved * * * for one year from the time of the filing thereof, may be opened and examined upon the order of a court or judge, or by any board of canvassers of the returns of election district canvassers, and at the expiration of such year, may be destroyed. (1892, ch. 680, § 117.)

§ 91. Ballots marked for Identification.

If any such certified statement of the result of a canvass shall show that any of the ballots counted were objected to as marked

for identification, a writ of mandamus may, upon the application of any candidate voted for at such election, within thirty days thereafter, issue out of the supreme court, if such statement be filed in a county clerk's office, to the board of county canvassers, or if in any city clerk's office or in any town or village clerk's office, to the board or body of canvassers if any of the returns of the inspectors or canvassers of the election district, and otherwise to the inspectors of election making such statement, requiring a recount of the votes. If the court shall, in the proceedings upon such writ, determine that any such ballot was marked for the purpose of identification, in any manner not proper or necessary for expressing a vote for a person for an office to be filled at such election, the court may order such ballot to be excluded upon a recount of such votes. Inspectors and canvassers of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings. (1892, ch. 680, § 118.)

ARTICLE VI.

COUNTY CANVASSERS.

§ 92. Board of County Canvassers.

The board of aldermen of the city of New York shall be the board of county canvassers; and it shall be their duty to finally canvass, declare and certify the results of every election hereafter held in the city and county of New York. Such canvass, declaration and certification shall be made and conducted under the existing provisions of law not inconsistent with this chapter, so far as the same are applicable. (1882, ch. 410, § 1902.)

§ 93. Correction of Clerical Errors in Election District Statements.

If upon proceeding to canvass such votes, it shall clearly appear to any county board of canvassers that certain matters are omitted from any such statement or copy, which should have been inserted, or that any merely clerical mistake exist therein, they shall cause such statement or copy to be sent by one of their number, whom they shall depute for that purpose to the inspectors or other canvassers whose names are subscribed thereto, for

correction, and the member so deputed shall immediately give notice to such inspectors or canvassers, who shall forthwith meet and make such correction as the facts of the case require; but such inspectors or canvassers shall not change or alter any decision before made by them, but shall only cause their canvass to be correctly stated. The board of county canvassers may adjourn from day to day, not exceeding three days in all, for the purpose of obtaining and receiving such corrected statements. (1892, ch. 680, § 132.)

ARTICLE VII.

ELECTION OF REPRESENTATIVES IN CONGRESS AND ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

§ 94. Representatives in Congress—When and How Chosen.

Representatives in the house of representatives of the congress of the United States shall be chosen in the several congressional districts at the general election held therein in the year 1892 and every second year thereafter. If any such representative shall resign he shall forthwith transmit a notice of his resignation to the secretary of state and if a vacancy shall occur in any such office the clerk of the county in which such representative shall have resided at the time of his election shall, without delay, transmit a notice thereof to the secretary of state. (1892, ch. 680, § 160.)

§ 95. Electors of President and Vice-President— When and How Chosen.

At the general election in November, preceding the time fixed by the law of the United States for the choice of president and vice-president of the United States, there shall be elected by general ticket as many electors of president and vice-president as this state shall be entitled to, and each elector in this state shall have a right to vote for the whole number, and the several persons to the number required to be chosen having the highest number of votes shall be declared and be duly appointed electors. (1892, ch. 680, § 161.)

ARTICLE VIII.

PENALTIES.

§ 96. Registration—Interference with or False.

If at any general registration of voters, or at any meeting of inspectors of election held for such purpose or for a revision thereof as provided in this chapter, any person shall falsely per-. sonate an elector or other person, and register or attempt or offer to register in the name of such elector or other person; or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register, in or under the name of any other person, or in or under any false, assumed, or fictitious name, or in or under any name not his own; or shall knowingly or fraudulently register in two election districts; or having registered in one district, shall fraudulently attempt or offer to register in another, or shall fraudulently register or attempt or offer to register in any election district not having a lawful right to register therein; or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, willfully or fraudulently, by false personation or otherwise, or by any unlawful means cause or procure, or attempt to cause or procure, the name of any qualified voter in any election district to be erased or stricken from any register of the votes of such district, made in pursuance of this chapter, or otherwise than is in this chapter provided; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means, prevent, hinder, or delay any person having a lawful right to register or to be registered, from duly exercising such right; or who shall knowingly, willfully, or fraudulently compel or induce, or attempt to offer to compel or induce, by such means, or any unlawful means, any inspector of election or other officer of registration, in any election district, to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed, or fictitious name, or any name of any person, except as provided in this chapter; or shall knowingly, or willfully, or fraudulently interfere with, hinder or delay any inspector of election or other officer of registration in the discharge of his duties, or counsel, advise, or induce or attempt to induce any such inspector or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure, or advise, any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden, or in this chapter constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison not less than one nor more than five years. (1882, ch. 410, § 1903.)

§ 97. Voting—Interference with or False.

If, at any election hereafter held in the city and county of New York, any person shall falsely personate any elector or other person, and vote, or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own; or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law, or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or vote more than once, or vote in more than one election district, or having once voted, shall vote or attempt, or offer to vote again; or shall knowingly, willfully, or fraudulently do any unlawful act to secure a right, or any opportunity to vote for himself or for any other person, or shall by force, threat, menace, intimidation, bribery, or reward, or offer or promise thereof, or otherwise, unlawfully, either directly or indirectly, influence or attempt to influence, any elector in giving his vote, or prevent or hinder, or attempt to prevent or hinder, any qualified voter from freely exercising the rights of suffrage, or by any such means induce, or attempt to induce, any such voter to refuse to exercise any such right; or shall by any such means, or otherwise, compel or induce, or attempt to compel or induce, any inspector of election or other officer of election, in any election district, to receive

the vote of any person not legally qualified or entitled to vote at the said election in such district; or shall knowingly, willfully, or fraudulently interfere with, delay, or hinder any manner any inspector of election, poll other officer of election discharge in the duties; or by any of such means \mathbf{or} other unlawful means, knowingly, willfully, or fraudulently counsel, advise, induce, or attempt to induce any inspector of election, poll clerk or other officer of election, whose duty it is to ascertain, proclaim, announce, or declare the result of any such election, or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel, or advise, procure, or assist any voter, person or inspector of election, or other officer of election, to do any act by law forbidden, or in this chapter constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense, by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1904.)

§ 98. False Poll-list or Statement.

If any poll clerk, or any inspector of election, performing the duties of poll clerk, shall willfully keep a false poll-list, or shall knowingly insert in his poll-list, any false statement, or any name or statement, or any check, letter, or mark, except as in this chapter provided, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1905.)

§ 99. Fraudulently Excluding or Receiving a Vote.

Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same

is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not more than two years. (1882, ch. 410, § 1906.)

§ 100. False Canvass or Certificate.

Every inspector of election, member of any board of canvassers, messenger, poll clerk, or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall willfully make any false canvass of such votes or who shall make, sign, publish, or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy, or conceal any statement or certificate intrusted to his care or custody, shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison not less than two nor more than five years. (1882, ch. 410, § 1907.)

§ 101. Tampering with Contents of Ballot-box.

If any person other than an inspector of election shall at any such election knowingly and willfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes; or if any such inspector shall knowingly and willfully cause or permit any ballots to be in said box at the opening of the polls and before voting shall have commenced; or shall knowingly and willfully, or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and checked upon the register, as hereinbefore pro-

vided; or if any such inspector, or other officer or person, shall fraudulently, during the canvass of ballots, in any manner change, substitute, or alter any ballots taken from the box then being canvassed, or from any box which has not been canvassed, or shall remove any ballot or semblance therefrom, or add any ballot, or semblance thereof, to, the ballots taken from the box then being canvassed, or from any box which has not been canvassed, every such person shall, upon conviction thereof, be adjudged guilty of felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1908.)

§ 102. Willful Neglect of Duty.

If any inspector of election, poll clerk, or other officer of registration, revision, election, or canvass, of whom any duty is required in this chapter, or by the general election laws of this state (so far as the same are consistent with the provisions of this chapter), shall be guilty of any willful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1909.)

§ 103. Destroying Records by Custodian.

Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes or copy thereof, oath, return of votes, certificates, poll-list, or any paper, document, or evidence of any description in this chapter, directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this chapter, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in a state prison, not exceeding five years, and shall, in addition thereto, forfeit his office-(1882, ch. 410, § 1910.)

§ 104. Destroying Records by Others than Custodians.

Every person not an officer, such as is mentioned in the last preceding section, or who is guilty of any of the acts specified in said section, or who advises, procures, or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in a state prison, not exceeding five years. (1882, ch. 410, § 1911.)

§ 105. Perjury.

Any person who shall be convicted of willful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this chapter, or upon being challenged as unqualified upon offering to register or vote, shall be adjudged guilty of willful and corrupt perjury. (1882, ch. 410, § 1912.)

§ 106. Subornation of Perjury.

Any person who shall willfully and corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury. (1882, ch. 410, § 1913.)

§ 107. Fraudulent Use of the Ballot.

If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or caudidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, on conviction thereof, be adjudged guilty of a felony, and shall, if an inspector of elec-

tion, poll clerk, or other officer of election, be punished with imprisonment in a state prison not less than two nor more than five years; and if not such an inspector, poll clerk or other officer of election, shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1914.)

§ 108. Convict Offering to Vote.

If any person who shall have been convicted of bribery, felony, or other infamous crime under the laws of this state, shall thereafter vote or offer to vote at any election in the city and county of New York, without having been pardoned and restored to all the rights of a citizen, he shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense, shall be punished by imprisonment in a state prison for not less than one nor more than three years. (1882, ch. 410, § 1915.)

§ 109. Contempt of Inspector's Authority.

If any person shall willfully disobey any lawful command of an inspector of election, or of any board of inspectors of election given in the execution of his or their duty as such, at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in a penitentiary for not less than thirty days nor more than one year, or by a fine of not less than two hundred and fifty nor more than one thousand dollars, or by both such fine and imprisonment. (1882, ch. 410, § 1916.)

§ 110. Disorderly Conduct at Polling-place.

If at any general registration of voters, or revision thereof, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or use any disorderly violence, or threats of violence, whereby any such registration, revision, election, or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll clerk, or other officer of such election, or challenger, or person designated to be present at the canvass of any ballots, as hereinbefore provided, are interfered with, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in a state prison for not less than one nor more than five years. (1882, ch. 410, § 1917.)

§ 111. Interference with Election Officers.

If any person shall knowingly or willfully obstruct, hinder, assault, or by bribery, solicitation, or otherwise, interfere with . any inspector of election, poll clerk, challenger, or person designated as provided in this chapter to be present at the canvass of any ballots in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person, by any of the means before mentioned, or otherwise unlawfully, shall, on the day of registration, revision of registration, or of election, hinder or prevent any inspector of election, poll clerk, challenger, or any person designated, as provided in this chapter, to be present at the canvass of ballots, in his free attendance and presence at the place of registration, or of election in the election district in and for which he is appointed or designated to serve, or in his full and free access and egress to and from any such place of registration, revision of registration, or of election; or to and from any room where any such registration, revision of registration, or election or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest, interfere with, remove, or eject from any such place of registration, or poll of election, or of canvassing ballots cast thereat, or of making returns or certificates thereof, any such inspector of election, poll clerk, challenger, or person designated, as provided in this chapter to watch the canvass of any ballots, save as otherwise provided in this chapter, or shall unlawfully threaten, or attempt, or offer so to do, every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in a penitentiary for not less than six months nor more than one year, or shall be fined not less than five hundred nor more than two thousand dollars, or both. (1882, ch. 410, § 1918.)

§ 112. Special Neglect of Duty.

Any inspector of election who shall willfully neglect, or when called on, shall willfully decline to exercise the powers conferred on him in this chapter, for any of the purposes set forth in section eighteen hundred and fifty-six of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in a penitentiary for not less than thirty days nor more than one year, or by a fine of not less than two hundred and fifty nor more than one thousand dollars, or by both such fine and imprisonment. (1882, ch. 410, § 1919.)

§ 113. Improper Treatment of Ballots or Boxes.

If any person shall, upon the day of any such election, or before the canvass of votes is completed, steal, or willfully break or destroy any ballot-box used, or intended to be used, at such election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or conceal any ballot which has been deposited in any ballot-box at such election, which has not been already counted and canvassed, or any poll-list used, or intended to be used at such election, or any report, return, certificate, or other evidence in this chapter required, or provided for, shall, on conviction thereof, be adjudged guilty of a felony, and shall for each and every offense, be punished by imprisonment in a state prison for not less than two nor more than five years. (1882, ch. 410, § 1920.)

§ 114. Acting Without the Majority.

If in any election district at any general registration of voters or revision thereof, or at any election hereafter held in the city and county of New York, any inspector of election or poll clerk shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters or poll-book, or receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor,

and shall be punished by imprisonment in the county jail not less than thirty nor more than sixty days, or fined not less than one hundred nor more than one thousand dollars, or by both such fine and imprisonment. If any inspector of election in any election district shall, without urgent necessity, absent himself from the place of registration or the polls in said district, upon any day of registration or election, whereby less than a majority of all the inspectors in such election district shall be present during the hours of registration, election or canvass of ballots, he shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than sixty days nor more than six months, or shall be fined not less than five hundred nor more than one thousand dollars, or both. (1882, ch. 410, § 1921.)

§ 115. Illegal Practices.

It shall be unlawful for any inspector of election, poll clerk, challenger, or person designated as provided in this chapter to be present at the canvass of any ballots in any district, during the election or canvass of ballots, to have or keep any ballots behind the boxes or within the polling-place, or for them or any person or persons within the polling-place to electioneer, distribute tickets or ballots, or engage in any political discussion. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days, or by a fine of not less than one hundred nor more than one thousand dollars, or both. (1882, ch. 410, § 1923.)

§ 116. Introduction of Liquor into Polling-place.

Whoever, during the sitting of any board of inspectors of election in any election district in the city and county of New York, whether held for the purposes of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order or send into, or shall cause to be taken, brought, ordered, or sent into, or shall attempt to bring, take, or send into any place of registration, or revision of registration,

tration, or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor. (1882, ch. 410, § 1924.)

§ 117. Irregularities Constitute no Defense.

Irregularities or defects in the mode of noticing, convening, holding, or conducting an election authorized by law, shall constitute no defense to a prosecution for a violation of the provisions of this chapter. (1882, ch. 410, § 1925.)

§ 118. All Elections Governed by this Chapter.

Every act which, by the provisions of this chapter or the general election laws, is made criminal when committed with reference to the election of a candidate, is equally criminal when committed with reference to the determination of a question submitted to electors to be decided by votes cast at an election. (1882, ch. 410, § 1926.)

§ 119. Evidence to Prove Lawful Intent.

Upon any prosecution for procuring, offering, or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed, upon good reason, that the vote complained of was a lawful one, and the jury may take such facts into consideration in determining whether the acts complained of were willfully done or not. (1882, ch. 410, § 1927.)

§ 120.

CHAPTER 693.

An Act to Amend the Penal Code.

AFFROVED by the Governor May 19, 1892. Passed, three-fifths being present.

AMENDED by Chapter 692, Laws 1898.

AMENDED by Chapters 282 and 714, Laws 1894.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The several parts and sections of the Penal Code, corresponding to those hereinafter specified, are amended to read as follows, to take effect immediately:

TITLE V.

OF CRIMES AGAINST THE ELECTIVE FRANCHISE.

- SECTION 41. Misdemeanors at political caucuses and conventions.
 - 41a. False registration.
 - 41b. Mutilation, destruction or loss of registry list.
 - 41c. Misconduct of registry officers.
 - 41d. Failure of house dweller to answer inquiries.
 - Removal, mutilation or destruction of election supplies, poll-lists or cards of instruction.
 - 41f. Refusal to permit employees to attend election.
 - 41g. Misconduct in relation to certificates of nomination and official ballots,
 - 41h. Failure to deliver official ballots.
 - 41i. Misconduct of election officers and watchers.
 - 41j. Violation of election law by public officer.
 - 41k. Misdemeanors in relation to elections.
 - 411. Voting after conviction of infamous crime.
 - 41m. Voting by inhabitant of another state or country.
 - 41n. False returns.
 - Furnishing money or entertainment to induce attendance at polls.
 - 41p. Giving considerations for franchise.
 - 41q. Receiving considerations for franchise.
 - 41r. Testimony upon prosecution.
 - 41s. Bribery or intimidation of elector in military service of United States.
 - 41t. Duress and intimation of voters.
 - 41u. Conspiracy.
 - 41v. Political assessments.
 - 41w. Corrupt use of position or authority.

⁺ So in the original.

- SECTION 41x. Failure to file candidate's statement of expenses.
 - *41x. Procuring fraudulent certificates in order to vote.
 - *41y. Presenting fraudulent certificates to registry boards to procure registration.
- § 41. Misdemeanors at political caucuses and conventions.—Any person who.
- 1. Votes or attempts to vote at a political caucus or convention without being entitled to do so; or
- 2. By bribery, menace or other corrupt means, directly or indirectly, attempts to influence the vote of any person entitled to vote at such caucus or convention, or obstruct such person in voting, or prevents him from voting thereat: or
- 3. Fraudulently and wrongfully does any act tending to effect the result of an election at such caucus or convention; or
- 4. Being an officer, teller or canvasser thereof, willfully omits, refuses or neglects to do any act required by the election law, or refuses to permit any person to do any act authorized thereby, or makes or attempts to make any false canvass of the ballots cast at such caucus or convention, or statement of the result of a canvass of the ballots cast thereat; or
- 5. Induces or attempts to induce any officer, teller or canvasser of such caucus or convention to do any act in violation of his duty; is guilty of a misdemeanor.
- § 41a. False registration.—Any person who causes his name to be placed upon any list or register of voters in more than one election district for the same election, or upon a list or register of voters, knowing that he will not be a qualified voter in the district at the election for which such list or register is made, or aids or abets any such act, is punishable by imprisonment for not more than five years.
- § 41b. Mutilation, destruction or loss of registry list.—Any person who willfully loses, destroys or mutilates the list or register of voters in any election district, or a certified copy thereof, after the making of the same and before the closing of the polls of the election for which the same is made, is guilty of a musdemeanor.
- § 41c. Misconduct of registry officers.—Any member or clerk of a registry board who willfully violates any provision of the election law relative to registration of electors, or willfully neglects or refuses to perform any duty imposed on him by law, or is guilty of any fraud in the execution of the duties of his office, shall be punishable by imprisonment for not less than two nor more than ten years.
- § 41d. Failure of house-dweller to answer inquiries.—Any person dwelling in a building in a city who willfully refuses to truly answer any question asked by any elector of such city, between the first meeting of

† So in the original.

^{*} Omission to change letter made by Legislature of 1894.

the boards of registry therein for any election and the closing of the polls at such election, relating to the residence and qualifications as a voter of any person dwelling in such building, or of any person who appears upon the list or register of voters made by a board of registry as residing at such building, is guilty of a misdemeanor.

- § 41e. Removal, mutilation or destruction of election booths, supplies, poll-lists or cards of instruction.—Any person who,
- 1. During an election or town meeting, willfully defaces or injures a voting booth or compartment, or willfully removes or destroys any of the supplies or other conveniences placed in the voting booths or compartments in pursuance of law; or
- 2. Before the closing of the polls, willfully defaces or destroys any list of candidates to be voted for at such election or town meeting, posted in accordance with the election law; or
- 3. During an election or town meeting, willfully removes or defaces the cards, for the instruction of voters, posted in accordance with the election law, is guilty of a misdemeanor.
- § 41f. Refusal to permit employes to attend election.—A person or corporation who refuses to an employe entitled to vote at an election or town meeting, the privilege of attending thereat, as provided by the election law, or subjects such employe to a penalty or reduction of wages because of the exercise of such privilege, is guilty of a misdemeanor.
- \S 41g. Misconduct in relation to certificates of nomination, and official ballots —A person who,
- 1. Falsely makes or makes oath to, or fraudulently defaces or destroys, a certificate of romination or any part thereof; or
- 2. Files or receives for filing a certificate of nomination knowing that any part thereof was falsely made; or
- 3. Suppresses a certificate of nomination which has been duly filed, or any part thereof; or
 - 4. Forges or falsely makes the official indorsement of any ballot; or
- 5. Having charge of official ballots, destroys, conceals or suppresses them, except as provided by law,

Is punishable by imprisonment for not less than one nor more than five years.

- § 41h. Failure to deliver official ballots.—Any person who has undertaken to deliver official ballots to any city, town or village clerk, or inspector, as authorized by the election law, and neglects or refuses to do so, is guilty of a misdemeanor.
- \S 41i. Misconduct of election officers and watchers.—Any election officer or watcher who:
- 1. Reveals to another person the name of any candidate for whom a voter has voted; or

- Communicates to another person his opinion, belief or impression as to how or for whom a voter has voted; or
- 3. Places a mark upon a ballot, or does any other act by which one ballot can be distinguished from another, or can be identified; or,
- 4. Before the closing of the polls, unfolds a ballot which a voter has prepared for voting, is punishable by imprisonment for not less than six months nor more than one year.
- § 41j. Violation of election law by public officer.—A public efficer who omits, refuses or neglects to perform any act required of him by the election law, or refuses to permit the doing of any act authorized thereby, is, if not otherwise provided by law, punishable by imprisonment for not more than three years, or by a fine of not more than three thousand dollars, or both.
 - § 41k. Misdemeanor in relation to elections.—Any person who:
- 1. Acts as an inspector of election, poll clerk or ballot clerk, without being able to read and write the English language, or without being otherwise qualified to hold such office; or
- 2. Being an inspector of election, knowingly and willfully permits or suffers any person to vote who is not entitled to vote thereat; or
- 3. Willfully, and unlawfully obstructs, hinders or delays, or aids or assists in obstructing or delaying any elector on his way to a registration or polling place, or while he is attempting to register or vote; or,
- Electioneers on election day, within a polling place, or in a public street or room, or in any public manner, within one hundred and fifty feet of a polling place; or
- 5. Removes any official ballot from a polling place before the closing of the polls; or
- 6. Unlawfully goes within the guard-rail of any polling place or unlawfully remains within such guard-rail after having been commanded to remove therefrom by any inspector of election; or,
- 7. Enters a voting booth with any voter or remains in a voting booth while it is occupied by any voter, or opens the door of a voting booth when the same is occupied by a voter, with the intent to watch such voter while engaged in the preparation of his ballot, except as authorized by the election law; or,
- 8. Being or claiming to be a voter, permits any other person to be in a voting booth with him while engaged in the preparation of his ballot, except as authorized by the election law, without openly protesting against and asking that such person be ejected; or,
- 9. Having lawfully entered a voting booth with a voter, requests, persuades or induces such voter to vote any particular ballot or for any particular candidate, or, directly or indirectly, reveals to another the name of any candidate voted for by such voter, or anything occurring within such voting booth; or,
- 10. Shows his ballot after it is prepared for voting to any person, so as to reveal the contents, or solicits a voter to show the same; or

- 11. Places any mark upon his ballot, or does any other act in connection with his ballot, with the intent that it may be identified as the one voted by him: or
- 12. Places any mark upon, or does any other act in connection with a ballot or paster ballot, with the intent that it may afterwards be identified as having been voted by any particular person; or
- 13. Receives an official ballot from any person other than one of the ballot clerks having charge of the ballots; or
 - 14. Not being a ballot clerk, delivers an official ballot to a voter; or
- 15. Not being an inspector of election, receives from any voter a ballot prepared for voting; or
- 16. Fails to return to the ballot clerks, before leaving the polling place or going outside the guard-rail, each ballot not voted by him; or
- 17. Willfully disobeys any lawful command of the board of inspectors, or any member thereof, is guilty of a misdemeanor. This section shall apply to general and special elections, municipal elections and town meetings, but nothing therein shall prevent any person from receiving or delivering an unofficial sample ballot, or from receiving, delivering and voting an unofficial ballot as authorized by the election law.
- § 411. Voting after conviction of infamous crime.—Any person who has been convicted of an infamous crime and has been sentenced or committed therefor to a state prison or penitentiary, who votes at any election unless he shall have been pardoned and restored to all the rights of a citizen, is guilty of a misdemeanor.
 - § 41m. Illegal Voting-Any person who,
- 1. Knowingly votes or offers to vote at any election or town meeting, when not qualified; or
- 2. Procures, aids, assists, counsels or advises any person to go or come into any town, ward or election district, for the purpose of voting at any election or town meeting, knowing that such person is not qualified; or
- 3. Votes or offers to vote at an election or town meeting more than once; or votes or offers to vote at an election or town meeting under any other name than his own; or votes or offers to vote at an election or town meeting in an election district or place where he does not reside; or
- 4. Procures, aids, assists, commands or advises another to vote or offer to vote at an election or town meeting knowing that such person is not qualified to vote thereat; or
- 5. Being an inhabitant of another state or country, votes or offers to vote at an election or town meeting in this state, is guilty of felony, punishable by imprisonment in a state prison not less than two, nor more than five years.
- § 41n. False returns.—An inspector or poll clerk of an election or town meeting, who intentionally makes, or attempts to make, a false canvass of the ballots cast thereat, or any false statement of the result of a canvass,

though not signed by a majority of the inspectors, or any person who induces or attempts to induce any such inspector or clerk so to do, is guilty of a felony.

- § 410. Furnishing money or entertainment to induce attendance at polls —Any person who, with the intent to promote the election of a person to an elective office:
- 1. Furnishes entertainment to the electors before or during an election or town meeting at which such person is a candidate; or
 - 2. Pays for, procures, or engages to pay for such entertainment; or
- 3. Furnishes money or other property, or engages to compensate any person for procuring the attendance of voters at the polls of such election or town meeting; or
- 4. Contributes money for any other purpose than the printing and circulating of hand bills, books and other papers previous to an election or town meeting, or conveying such poor or infirm electors to the polls, is guilty of a misdemeanor.
- § 41p. Giving consideration for franchise.—Any person who, directly or indirectly, by himself or through any other person:
- 1. Pays, lends or contributes, or offers or promises to pay, lend or contribute any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons, or for or against any particular proposition submitted to voters, or to induce such voter to come to the polls or remain away from the polls at such election, or to induce such voter to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for or against any particular person or for or against any proposition submitted to voters or having come to the polls or remained away from the polls at such election, or having placed or caused to be placed or refrained from placing or causing to be placed his name upon the registry of voters; or
- 2. Gives, offers or promises any office, place or employment, or promises to procure or endeavor to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election, for or against any particular person or persons, or for or against any proposition submitted to voters, or to induce any voter to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters; or
- 3. Gives, offers or promises any office, place, employment or valuable thing as an inducement for any voter or other person to procure or aid in procuring either a large or a small vote, plurality or majority at any election district, or other political division of the state, for a candidate or candidates to be voted for at an election; or to cause a larger or smaller vote, plurality

or majority to be cast or given for any candidate or candidates in one such district or political division than in another; or

- 4. Makes any gift, loan, promise, offer, procurement or agreement as aforesaid to, for or with any person to induce such person to procure or endeavor to procure the election of any person or the vote of any voter at any election; or
- 5. Procures or engages, or promises or endeavors to procure, in consequence of any such gift, loan, offer, promise, procurement or agreement, the election of any person or the vote of any voter, at such election; or
- 6. Advances or pays, or causes to be paid, any money or other valuable thing to or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any election, or knowingly pays or causes to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part expended in bribery at any election, is guilty of an infamous crime punishable by imprisonment for not less than three months nor more than one year, and in addition forfeits any office to which he may have been elected at the election with reference to which such offense was committed, and becomes incapable of holding any public office under the constitution and laws of this state for a period of five years after such conviction.
- § 41q. Receiving consideration for franchise.—Any person who, directly or indirectly, by himself or through any other person:
- 1. Receives, agrees, or contracts for, before or during an election, any money, gift, loan, or other valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from registering as a voter, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or for refraining or agreeing to refrain from voting for or against any particular person or persons at any election, or for or against any proposition submitted to voters at such election; or
- 2. Receives any money or other valuable thing during or after an election on account of himself or any other person having voted or refrained from voting at such an election, or having registered or refrained from registering as a voter, or on account of himself or any other person having voted or refrained from voting for or against any particular person at such election, or for or against any proposition submitted to voters at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or having registered or refrained from registering as a voter, or on account of having induced any other person to vote or refrain from voting for or against any particular person or persons at such election, or for or against any proposition submitted to voters at such election, is guilty of an infamous crime, punishable by imprisonment for not less than three months, nor more than one year, and in addition shall be excluded from the right of suffrage for five years after such conviction; and the county clerk of the county in which such person is convicted shall

transmit a certified copy of the record of conviction to the clerk of each county of the state, within ten days thereafter, which copy shall be filed in his office by each of such clerks.

- § 41r. Testimony upon prosecution.—A person offending against any provision of section forty-one-p or of section forty-one-q of this code is a competent witness against another person so offending, and may be compelled to attend and testify on any trial, hearing, or proceeding, or investigation in the same manner as any other person. The testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person testifying. A person testifying shall not thereafter be liable to indictment, prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution.
- § 41s. Bribery or intimidation of elector in military service of United States.—Any person who, directly or indirectly, by bribery, menace or other corrupt means, controls or attempts to control an elector of this state enlisted in the military service of the United States, in the exercise of his rights under the election law, or annoys, injures or punishes him for the manner in which he exercises such right, is guilty of a misdemeanor for which he may be tried at any future time when he may be found within this state; and upon conviction thereof shall thereafter be ineligible to any office therein.
- § 41t. Duress and intimidation of voters.—Any person or corporation who, directly or indirectly:
- 1. Uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting at any election or to vote or refrain from voting for or against any particular person or persons or for or against any proposition submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such person having voted * or refrained from voting at such election, or having voted or refrained for voting for or against any particular person or persons, or for or against any propesition submitted to voters at such election, or having registered or refrained from registering as a voter; or
- 2. By abduction, duress, or any forcible or fraudulent device or contrivance whatever impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or,
- 3. Being an employer pays his employe the salary or wages due in "pay envelopes," upon which there is written or printed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of a general election puts or otherwise exhibits in the

^{*}So in the original.

establishment or place where his employes are engaged in labor, any hand bill or placard containing any threat, notice or information, that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats express or implied, intended or calculated to influence the political opinions or actions of his employes, is guilty of a misdemeanor, and if a corporation shall in addition forfeits its charter.

- § 41u. Conspiracy.—Any two or more persons who conspire to promote or prevent the election of any person or persons to a public office by the use of any means which are prohibited by law, shall be punished by imprisonment for not less than six months nor more than one year; provided, any act besides such agreement be done to effect the object thereof by one or more of the parties to such conspiracy.
 - § 41v. Political assessments.—Any person who,
- 1. Being an officer or employe of the state, or of a political subdivision thereof, directly or indirectly uses his authority or official influence to compel or induce any other officer or employe of the state or a political subdivision thereof, to pay or promise to pay any political assessments; or
- 2. Being an officer or employe of the state, or of a political subdivision thereof, directly or indirectly, gives, pays or hands over to any other such officer or employe any money or other valuable thing on account of or to be applied to the promotion of his election, appointment or retention in office, or makes any promise, or gives any subscription to such officer or employe to pay or contribute any money or other valuable thing for any such purpose or object; or
- 3. Being such an officer or employe and having charge or control of any building, office or room occupied for any purpose of the state or of a political subdivision thereof, consents that any person enter the same for the purpose of making, collecting, receiving or giving notice of any political assessment; or
- 4. Henters or remains in any such office, building or room, or sends or directs any letter or other writing thereto, for the purpose of giving notice of demanding or collecting, or being therein, gives notice of, demands, collects or receives, any political assessment;
- 5. Prepares or makes out, or takes any part in preparing or making out, any political assessment, subscription or contribution, with the intent that the same shall be sent or presented to or collected of any such officer or employe; or
- 6. Sends or presents any political assessment, subscription, or contribution to, or requests its payment of, any such officer or employe,

Is guilty of a misdemeanor.

- § 41w. Corrupt use of position or authority.—Any person who,
- 1. While holding a public office, or being nominated or seeking a nomination or appointment therefor, corruptly uses or promises to use,

directly or indirectly, any official authority or influence possessed or anticipated, in the way of conferring upon any person, or in order to secure, or aid any person in securing, any office or public employment, or any nomination, confirmation, promotion or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited or of any other person, shall be given or used in behalf of any candidate, officer or party or upon any other corrupt condition or consideration; or

- 2. Being a public officer or employe of the state or a political subdivision having, or claiming to have, any authority or influence affecting the nomination, public employment, confirmation, promotion, removal, or increase or decrease of salary of any public officer or employe, or promises or threatens to use, any such authority or influence, directly or indirectly to affect the vote or political action of any such public officer or employe, or on account of the vote or political action of such officer or employe; or
- 3. Makes, tenders or offers to procure, or cause any nomination or appointment for any public office or place, or accepts or requests any such nomination or appointment, upon the payment or contribution of any valuable consideration, or upon an understanding or promise thereof, or
- 4. Makes any gift, promise or contribution to any person upon the condition or consideration of receiving an appointment or election to a public office or a position of public employment, or for receiving or retaining any such office or position, or promotion, privilege, increase of salary or compensation therein, or exemption from removal or discharge therefrom, is punishable by imprisonment for not more than two years or by a fine of not more than three thousand dollars or both.
- § 41x. Failure to file candidate's statement of expenses —Every candidate who is voted for at any public election held within this state shall, within ten days after such election, file as hereinafter provided an itemized statement showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his Such statement shall give the names of the various persons who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit subscribed and sworn to by such candidate, setting forth in substance that the statement thus made is in'all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Candidates for offices to be filled by the electors of the entire state, or any division or district thereof greater than a county, shall file their statements in the office of secretary of state. candidates for town, village and city offices, excepting in the city of New York, shall file their statements in the office of the town, village or city clerk, respectively, and in cities wherein there is no city clerk, with the clerk of the common council of the city wherein the election occurs. Candidates for all other offices, including all officers in the city and county of New York, shall

file their statements in the office of the clerk of the county wherein the election occurs. Any candidate for office who refuses or neglects to file a statement as prescribed in this section shall be guilty of a misdemeanor, and shall also forfeit his office.

- *§ 41x. Procuring fraudulent certificates in order to vote.—Any person who knowingly and willfully procures from any court, judge, clerk, or other officer, a certificate of naturalization, which has been allowed, issued, signed or sealed in violation of the laws of the United States, or of this state, with intent to enable himself or any other person to vote at any election when he or such person is not entitled by the laws of the United States to become a citizen, or to exercise the elective franchise, is guilty of a felony.
- *§ 41y. Presenting fraudulent certificates to registry boards to procure registration.—A person who knowingly and willfully presents to any board of officers, for the purpose of having himself or any other person placed upon any list or registry of voters, or to any board of officers for the purpose of enabling himself or any other person to vote at any election, any certificate of naturalization which has been allowed or issued by or procured from any judicial officer, clerk of a court, or other ministerial officer of a court, by any false statement, oath or representation, or in violation of the laws of the United States, or of this state, with intent to enable any person to vote at any election, when such person is not entitled by the laws of the United States to become a citizen, or of this state, to exercise the elective franchise, is guilty of a felony.

^{*} Omission to change letter made by Legislature of 1894.

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